
ICANN78 | AGM – Joint Session ICANN Board and CSG
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ALISA HEAVER: Hello, and welcome to the Joint Meeting between the ICANN Board and the Commercial Stakeholder Group. Please note, this session is being recorded and follows the ICANN's Expected Standards of Behavior. All panelists are kindly asked to state their name for the recording and speak at a reasonable pace. This discussion will be between the ICANN Board and the CSG members only. Therefore, we will not be taking questions from the audience. With that, I now hand the floor over to ICANN Board Vice Chair, Danko Jevtovic. Danko.

DANKO JEVTOVIC: Thank you, Alisa. So, welcome everyone. I'm here on behalf of our Board chair, Tripti Sinha because she had some parallel meeting. And as her vice chair, I am glad to be here with the Commercial Stakeholder Group. And if I may add a personal comment, this group is dear to my heart because I used to run an internal service provider business in Serbia, so this is something that I can very much relate to and welcome. Matthew, I think you'll be leading this from our side.

MATTHEW SHEARS: Thank you very much, Danko, and welcome everybody. It's a pleasure to see you all here for another meeting between the Board and the CSG. We have provided questions as is usual format and we've received questions. I think, Mason, that we're going to start with your

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response to our question, and then we'll move to the Board responses to the CSG questions.

I'm not sure if we have a slide to put up our question, otherwise, I can read it. The Board's question to the CSG was, "Looking forward over the next three to five years, what are the key strategic issues ICANN and the ICANN ecosystem should be addressing in the fiscal year 26 to 30 strategic plan, and why?" Over to you, Mason.

MASON COLE:

That's all right. Thank you very much, Matthew. And good morning, everyone. Mason Cole, chair of the CSG. I'm joined here with my CSG ex-com colleagues. We are going to have Lori Schulman, who is chair of the IPC lead off on this issue. She's participating remotely. Lori, do you hear us? If so-

LORI SCHULMAN:

Yes, I do. And thank you very much. I want to thank the Board. I want to also in a sidebar thank Matthew Shears for his service to the non-contracted party house. It's been many years and we've appreciated his diligence, and we also, quite frankly appreciate that he suffered through a very long, twisted process this summer, and we are truly sorry that he had to go through so much uncertainty.

However, we do believe that this struggle will end up well in terms of clearer, better procedures moving forward. So I just want to note that to Matthew specifically. I feel that your efforts should be

acknowledged, and I'm very happy to acknowledge them here. So thank you, Matthew.

MATTHEW SHEARS: Thank you very much, Lori. Much appreciated.

LORI SCHULMAN: Yes, it's wasn't easy this summer for any of us. The good news is, is that we're back on track and we have answers to the questions. I'll lead off with-- we have three points and I'm going to address the first point. So the first point is, and well, I just specifically will be maintaining vigilance with regard to DNS abuse and taking up the Board and the contracted party house promise to continue policy work in this area.

The second question, which will be addressed by another CSG member, is coordinating with the governmental regulatory environment to preserve the multi-stakeholder model while honoring government input into key issues. And thirdly, Holistic Review. We feel this should be a Board priority as well. I will only be addressing the first point, maintaining vigilance with regard to demeaning system abuse and taking up the Board and contracted party health promise to continue policy work in this key area.

We want to thank the Board for engaging with and monitoring the progress with the contract amendments this summer with the RA and RAA, we understand they're out for ratification. We are fingers crossed that these two agreements are ratified. And we also thank the Board

for supporting the RDRS. We understand it's been launched for registrars and we are very excited for it to be launched to the public in another month. So we see these as incremental progress toward a much larger problem.

The concerns that we have though, is that these two important efforts are not looked at as the end game. And while publicly there have been statements that this is just the beginning, we do have some fears about what will come next, that there'll be a certain amount of complacency because it took so long to get where we are. And we still have issues about identification of abuse, contract compliance, issues regarding now that we have a basis for accountability that's stronger in the past, how do we move from here?

MATTHEW SHEARS:

Thank you, Lori. I'm not sure if any of the Board members want to comment, or. Yep. Jim, please.

JAMES GALVIN:

Thank you, Matthew. And thank you Lori for the question in the comment. With respect to the definition of DNS abuse, let me approach the question in this way. The Board is aligned with the working baseline of DNS abuse. That's within ICANN's mission to mean the five broad categories that we've all come to know and talk about at some length, phishing, farming, botnets, malware, and of course, spam when it's used as a vector. And it's important to know that the Board also agrees, and we do know that this is neither an

exhaustive list, nor a criteria-based definition that may need adjusting over time.

So we all know that DNS evolves, threats evolve, and necessarily mitigation, you know, must evolve with it. And we're certainly very supportive and appreciate the work that the contracted parties have done to move forward with the focused contract amendments that are currently being voted on by the registries and registrars.

And once that is in place, more directly, to answer your question, Lori, we are expecting that the GNSO would engage in policy scoping discussions as the council's small team has suggested that it would do. We also, of course, support the community continuing to discuss new or expanding threat vectors.

It's from those kinds of issues that we will find and develop new kinds of mitigation methods that will then need to feed into that GNSO process so that we can move forward with adding additional requirements, additional responses on the part of contracted parties, again, within ICANN's mission, and now doing the things that are certainly within the scope of activities that ICANN does engage in. So, we do know that there are often harms that have not been included in this baseline.

Certainly, there are many things that have been talked about over the years. But even so, these things, in some sense, they fall outside of the state of definition. And while they do that, they still utilize a threat such as phishing to perpetrate the threat. That's really what we're looking for is for abuse that fits within ICANN's mission or fits within

definitions that we know fall within the scope of ICANN's mission. And that would qualify as DNS abuse that could be reported with evidence.

And then that would be something that would be responded to as currently provided for by the contract amendments that are under discussion. So we look forward to continuing those discussions and developing new things that need to be included and considered. I hope that's responsive to your question.

LORI SCHULMAN:

Thank you, James. I think it's partially responsive to the extent that you can foresee the future. With that said though, I do have some concerns because the response really focused on GNSO work, but we know that RSSAC is having ongoing discussions, we know ccNSO is having ongoing discussions, we know that SSAC is having ongoing discussions about these issues.

So while I understand that the policymaking remit for the top level stands with the GNSO, I do think that the holistic coordinated effort that we're starting to see with different parts of ICANN discussing the same issue, should be more coordinated. And we see that perhaps that is a function that the Board itself could engage with at a more holistic level than just relying on the GNSO, that would be one of my points. And in terms of harms not included, I am going to editorialize here a bit, particularly as a trademark attorney.

We know that one of the first, or actually not one, the first policy to address domain abuse as we might understand it, was the UDRP, the Uniform Dispute Resolution Process. And that it's worked very well for

the last 20 years, at least in the eyes of trademark owners because it was meant to address a very specific type of abuse.

That being said, it's never been included in a definition, and I've always been curious, and I'm not sure that you can even answer this question, but I think it's worth putting in the record that we have something that was acknowledged, addressed 20 years ago that seems to be working pretty well for most, and we never mention it. Just because there's a remedy doesn't mean there isn't abuse or it doesn't require ongoing study.

JAMES GALVIN:

So thank you, Lori. I think that you bring up some excellent questions and excellent points, and you're right, these issues have been discussed within the community for quite some time, and there is not clear consensus on all of the things that you have brought up. I don't have an answer for the question of creating some kind of cross community coordination.

I think what's important is that rather than thinking about a definition of DNS abuse as I had started with in the beginning and when I was first talking here, we're more aligned with the notion of let's identify the threats that we know that we can address and we can all agree are within ICANN's mission. I think there is still a lot of debate about what elements are included in what aren't, and the community should continue those discussions.

SSAC has made its contributions certainly, I think that other members of the community outside of the contracted party house have made

their contributions. And I think those discussions need to continue so that we can find a way to define those things in such a way that we can all agree they are within our mission. And then I'm sure that the amendments do allow for policy to come into existence to address those things. I don't-

LORI SCHULMAN: Right. And we-- I'm sorry, go ahead.

JAMES GALVIN: No, no, go ahead, please.

LORI SCHULMAN: No, I was going to say in terms of the definition of abuse itself, we have saved that as a point that we've posed to the Board further down in the agenda. I won't belabor the abuse definition issue here, I mean, in this part of the discussion, but it's worthy of discussion simply because of the practicalities of number one, having a definition for contract compliance purposes, and two, understanding that a definition that has been widely acknowledged, let's say, that within the community in of itself is looked at as definitive in many instances, it takes 80% of the abuse away, and we know that.

So there's a lot to discuss about whether that's this point we need to stick at or not. I think in terms of my points now, it's more about the coordinated effort, more about making sure that there's momentum, that there isn't a complacent lull in activity given the steps we were able to take in the last fiscal year particularly.

JAMES GALVIN: Okay. So thank you. Let me just take that on board and say that we'll continue to talk about that and see where we are. I think you make a very good point and we'll take that. Thank you.

LORI SCHULMAN: Thank you, Jim. Nice to see you.

MATTHEW SHEARS: Thanks, Lori, Jim. We've actually kind of mixed this up now. I think in part we've responded to one of your other questions separately, but I think we have a queue here, so I think Steve and then Edmon, and then probably good if we move to the the next point.

STEVE DELBIANCO: Thank you, Matthew. Thank you for your service to the Board as well. Steve DelBianco from the Business Constituency. Looking strictly at your question, you're asking for very high level priorities and tactics that will fit into a three to five year span with a strategic plan. And looking closely at our mission, I would say we, when you're in Los Angeles, and if you are fortunate enough to see a police car, you'll notice there's a logo on this side. It says, to protect and to serve. And that is the mantra that we would encourage ICANN to adopt in a three-to-five-year span.

To protect is to protect those users and registrants through vigorous enforcement of contracts and policy, and to serve, I would focus

heavily on used universal acceptance. Universal acceptance of not only the last round of G TLDs, but the IDNs and well, the next round. It is a significant problem, and I think you see how passionate many members of the community through ALAC primarily complain about their inability to do email or domain resolution of things that, well, have been in the zone files for 10 years, we can do better at that.

And in the strategic plan, what I would suggest is that your evolving efforts, the new processes and contract amendments are necessary, but they aren't sufficient. We shouldn't believe that in the three-to-five-year strategic plan, that you list all of the efforts that have been taken, because that isn't sufficient to show that we're making progress.

We need evidence of serving and protecting in the area of protecting users and registrants and serving under universal acceptance. And the evidence can be improved so much with an eye towards communications. Anecdotal reports go a long way, finding a registrar in a breach, describing in great detail how that progressed and that it has stopped bad behavior.

I hope that the new DNS abuse amendments will give enforcement some more teeth, but anecdotal reports of both universal acceptance that's been approved through a series of outreaches to email service providers, for example. Not bragging about the fact that you spent a lot of money trying to improve user acceptance, spend more time describing stories where an email service provider finally fixed their systems, and now several million people can use it.

Besides stories, statistics, the statistics that are necessary will be hidden if people look at the global data, for instance, on DNS abuse, even under the strict definition. The statistics that Graham Button and the DNS Abuse Institute compile might show a growing trend of DNS abuse from time to time.

As bad actors decide they need to buy a new boat, they'll step up their efforts. If there are new vulnerabilities that are created, they will step up their efforts. If our reporting improves, we'll start to report greater amounts of DNS abuse. Therefore, the efforts that we've made and succeeded at reducing it are completely masked by the trend.

In universal acceptance, we may have a ramp up on additional strings that can be managed by email service and resolution, but user acceptance problems might be going up even faster as we introduce more and more users from the part of the world that doesn't use the Latin script. So, in both cases, both protecting and serving, the global statistics might mask the successes that we have.

So we have to find a way to report the successes, both anecdotally and statistically, and you should emphasize that in your plan over the simple recitation that within our mission, we amended contracts, we're doing all that we can, and our efforts are there. That isn't going to cut it, I think we can do better. Thank you.

MATTHEW SHEARS:

Thanks, Steve. I really like that, protect and serve. Edmon, over to you.

EDMON CHUNG: I actually put my hand up for asking a question that Steve just answered, so I am going to take it back in a strategic level, and so I don't have any.

MATTHEW SHEARS: Is there anyone else who wants to come in on this first point? Oh good. Jim.

JAMES GALVIN: I just want to comment on your suggestion about more data and more statistics. I like the suggestion and I'm very supportive of that, and I think even ICANN, there's an evolution going on, some plans for an advancement of DAAR and its abuse measurement platform. One of the key things that always worries me, that's always a caution for me when I look about abuse statistics, and you did kind of mention this and I want to call it out and highlight it, numbers that just show that abuse is going up or going down, always worry me because it's not enough information, it doesn't really tell you what's going on, it doesn't tell you that we're actually doing things, which is the point that you're getting at.

And I know that the folks inside of ICANN that are evolving DAAR are very sensitive to that question. And they are looking at ways to provide better statistics, add different metrics that will give some information in that regard. So give us a better sense of the success of what we're doing with respect to abuse.

So I look forward to all of that coming around, but I do want to support and reiterate your comment. It would be great to have more information in general. It's just hard to get sometimes and we'll get there.

STEVE DELBIANCO:

And Jim, if I can follow up, please. We're engineers, and we do focus on the data. Put on your other hat, your creative communications hat, and think about the anecdotes that we report both on serving and protecting, a 32nd, 92nd video anecdote. We'll reach people in a different way than the statistics ever will, and it takes both, I'm not suggesting you dump one for the other.

But I do appreciate your acknowledgement that we should be able to document that our efforts are having an effect because That will be masks by data that's reporting trends, and it won't be appreciated by those who are still having a problem. Thank you.

MATTHEW SHEARS:

I think we're going to move to the second point. So over to you, Mason.

MASON COLE:

Thank you, Matthew. Highlighting what Edmon just alluded to the fact that we're looking at a three to five-year time window here. What we saw yesterday during the outreach session on governmental activity in the DNS, we saw that there was a lot of activity happening at the governmental level within the DNS.

So we'd like to hear from the board about ICANN's coordination within the governmental and regulatory environment both to preserve the multi-stakeholder model and still honoring governmental input into iCANN matters.

So the immediate issue, of course, is Article 28 of the NIS 2 directive that came from the European Union. But we see that there's probably more governmental activity coming over the horizon and we'd like to hear from the board about how that will be addressed both in the near and long term.

MATTHEW SHEARS:

Becky?

BECKY BURR:

Yes, thanks. Good morning, everybody. Let me start by answering the specific, and I asked two questions. And I think this is really sort of in the fixing WHOIS question that you guys posed? It is our view that ICANN's current policies are consistent with NIS 2 in the sense that they enable registries and registrars to comply with NIS 2.

So with respect to the WHOIS, the policy as it currently stands, the ICANN policy as it currently stands, requires registrars to provide WHOIS data to registries to the extent that they have a legitimate purpose, and to the extent that they believe they are required to have this data or need this data for NIS 2 compliance or for any other reason, registrars are required to provide it, and that's an enforceable commitment under the policy.

In terms of the more general question about interaction with governments in terms of policy development. I think it's always been ICANN's view that its role in terms of sovereign regulatory development is to ensure that regulators and lawmakers understand how the system works, understand the requirements for operation, understand what the multi-stakeholder model is able to do with respect to those kinds of things.

But not to take a position on is this policy right or wrong except is it going to break the internet kind of sense. And I don't see a particular that particularly changing. Now, there are some things in terms of compliance with things where ICANN could convene conversations, and I think that's also a useful role for ICANN to play.

So we know we have a lot of ccTLDs in the European Union and what they're doing with respect to accuracy and collection and making that data available is instructive, I think interesting and instructive globally in the ICANN community. And I think it would be a useful thing for ICANN to be a place where those conversations can take place.

But again, ICANN's view is that its role with respect to intervening in regulatory processes is to make sure that it provides the information regulators and lawmakers need to develop laws that are consistent with the multistakeholder model and consistent with the technological requirements of the internet.

MATTHEW SHEARS:

Thank you, Becky, for that answer. Edmon.

EDMON CHUNG:

Yeah, I guess just adding a little bit on what Becky has just said also is I guess. We are also looking at being more active in IGF and some of the other forums. And I think that I guess taking it back into the strategic level, you're really saying that geopolitics remain and probably even more, so in the next three to five years as a strategic directive. And also, not only just I guess in the past, we have been slightly more reactive and you're saying, if I've heard you correctly, you're saying that we should be more proactive, and I think we're starting down that path.

And I would add one more interesting observation is that we are now starting to observe that get the GAC, of course, it's very important, but GAC alumni are also quite important. The GAC alumni, they grow in their ranks in the government and that might be a network that we should proactively reach out to as well, so yeah.

MASON COLE:

Thank you, Edmon. That's a very interesting idea. And I think the CSG would probably agree with you that ICANN has not been as proactive as it should be in terms of its interactions with governments outside of the GAC, and what we're seeing now is more proactivity from the governmental side, and what we want to avoid is seeing ICANN get behind the eight ball like they did with GDPR for example. There's lots of that we anticipate more governmental activity in the DNS and we don't want to see ICANN in a reactive mode. So I think Steve has an intervention here. Steve.

STEVE DELBIANCO:

Thanks, Mason. Steve DelBianco with the BC once again. I attended the day zero session that we co-sponsored on NIS 2, and then I came yesterday to the geopolitical session in this room. And in both cases, ICANN's position, it was fully half of yesterday's geopolitical session, is to celebrate the fact that government documents that some point in their long diatribe, site and recognize the multi-stakeholder model generally in ICANN in particular.

There were seven slides about that yesterday, and it was most of what the draft letter that Elena prepared and showed us on day zero. In other words, pointing out to governments that your own documents recognized the role of the multi-stakeholder process, and some of your documents actually point out that ICANN has been an effective orchestrator of the multi-stakeholder model, and then you stop.

You believe that is somehow sufficient to demonstrate to governments, particularly GAC alumni who've, well, a GAC rep has spent a few years in the ICANN world, they know full well that we are very process bound and it is difficult to surface results that can demonstrate that our model actually delivers as opposed to our model really tries hard.

And really tries hard, it's the same point we made earlier, it's the same point there because the letter that we send back to the European Commission of member states should not just thank them for recognizing us, and then list an appendix of what our policies say. It needs to have examples of where we deliver.

And Becky, I would love to take you up on the notion that registrars are forced to transfer to registries in all cases where the registry can show a legal basis, and perhaps NIS 2 provides even more legal basis than was there and present. And if that's the case, I would rather you burn a page on that in your letter to the commission of member states than celebrating ICANN having been mentioned enlisting in a full appendix of what the policies are.

We can't really believe they're going to read any of that, and it doesn't dispose of their concerns, and it doesn't dispose of our concerns in the business community. So we have to think a little more creatively about demonstrating the value of the model, and it isn't sufficient to go to the UN over the next two years and say, well, we've found NIS 2 document where you recognized the multi-stakeholder model, so I guess we're done tonight, right? That's enough.

No, that isn't enough. Catching them in hypocrisy will not be a very challenging thing to do. And hypocrisy rarely, if ever stops somebody from doing what they want to do because they'll say, this time it's different. Thank you.

MATTHEW SHEARS:

Thanks, Steve. We do have a queue. Becky, and I think Danko.

BECKY DURR:

I don't disagree with you, Steve. I think that, as I said, there are two aspects to how ICANN is responding and interacting with governments and international organizations on this. And one is to point out where

the multi-stakeholder model is effective to deal with some of these issues. And I do not disagree with you on the need for having specifics about where we are working to do that or where we have been successful in doing that. I just want to say I think there are several pieces of this, but what you have said is not inconsistent with anything that I've said.

DANKO JEVTOVIC:

So just a few additional comments first prompted by Steve. So governments are obviously complex organizations, so we speak with them on multiple levels. And with our government engagement team, there are also obviously, direct communications, not only through the formal letters, as you said, but also with the direct communications and explaining of our positions and possible technical consequences of different government's initiatives.

So we are there also in the preparatory work, and we are doing more of that because we are now in the process of coming to WSIS+20 that we identify is very important. And I actually asked for Mike to add one additional thing from the whole Board perspective, because the Board recognizes the importance of the internet governance and WSIS+20 process, one of the things we have discussed in the Board is to increase the importance of the internet governance discussions and to take on the internet governance working group that is be active on the Board, and all of the Board members are included to the full level Board, one of the primary activities that will be also directly led by Tripti Sinha, the chair.

So this is just one of the examples of the many levels, how we see it, and how we see it is very important in trying to engage. And we also, in the whole process moving to devices WSIS+20, see that it's not only ICANN's role and not only GAC inside the ICANN's role, but the role of the whole ecosystems of this technical mid layer.

So we are trying to get together to showcase not only particular examples, but to hold success of the internet as is this now. And why it is important for this middle layer to continue to function well so the future applications in the internet can rely on the successes of the one internet we are supporting.

MATTHEW SHEARS:

Thanks, Danko. Brian?

BRIAN KING:

Yeah, thank you. This is Brian King for the transcript. I understand the Board's position that current ICANN policies do not create a conflict with NIS 2 and that they allow for registries and registrars who are subject to NIS 2 to do what they need to do to comply with NIS 2. I'm disappointed, but I understand that that position anyway.

My question is how's the board thinking about the optics of passing a temporary specification that allows contracted parties to redact domain registration data that our part of the community needs in all cases, whether GDPR applies or not, whether the data geographically that is, whether the contracted parties are subject to GDPR, whether the data contains personal data or not even after receiving legal

advice that says they can go ahead and publish data that the registrants have indicated does not include personal data?

How are you thinking about the optics of taking a broad approach, a global approach, in a context where it's more convenient for the contracted parties, but then okay with having a global patchwork framework of requirements for registries and registrars in a NIS 2 context? Are you concerned about the optics of that from our part of the community, or how are you thinking about it?

BECKY DURR:

So I really love to learn a little bit more about the disappointment. I think that at a minimum, ICANN must not have rules or regulations that prevent or conflict with those laws. ICANN's rules with respect to WHOIS in my view, and I think most everybody's view, allow full compliance. But what's complicated, and I think this is a sort of fundamental structural issue, is the who gets to decide.

That's always the hard question here. And in the case of data protection laws, not just the GDPR, but all data protection laws, the controller is on the hook for decisions about compliance. ICANN may be a joint controller, we can have that argument or not. I wouldn't actually have that argument with anybody, but there's no doubt that the registrars are controllers, and there's no doubt that the registrars are on the hook for compliance with those laws.

ICANN can't tell a registrar that you must do this because it's our view that this complies with laws. We could pass a policy that says you must stand on your head, but if a registrar doesn't believe it's legal to

do that, we can't enforce it. Are there optics concerns better? Absolutely. A lot of people would like ICANN to be mandating policies. And I think if there was a way-- it's just, the way the law works is the controllers on the hook and the controller needs to decide. And in the case of GDPR or NIS 2 or any of those other things, they're a little bit different. But GDPR, it's a principles-based requirement.

We don't know what it actually requires or what it actually prohibits. And organizations deal with that all the time. They figure out how much risk they're willing to accept, what kind of risk makes sense, what they believe the law requires, and they set a policy to do that. ICANN is just not in a place to impose a risk appetite on registrars under the current structure.

Having said that, I do believe also that ICANN has to look at its own risk appetite issues with respect to data protection. And I do think that if you want to look at reputational issues, that's the place to look at reputational issues because ICANN does have choices and does have decisions that it makes with respect to its own risk appetite that don't impact registrars. And I think that is a worthwhile area of exploration.

MATTHEW SHEARS: Okay. Steve, then we do need to move on.

STEVE DELBIANCO: Thank you. Danko, I wanted to follow up on the WSIS+20, and I was at the IGF in Kyoto where on the last day, ICANN sponsored a session to talk about the multi-stakeholder model and ICANN in particular

attended by many of the people at this table. In fact, probably nearly all of you. But in the room where precious few from governments, but nonetheless, the messaging I heard in that session, I believe will be wholly insufficient to satisfy your strategic goal of making sure that WSIS+20 goes our way.

I'd like to just give an example. Similar to what I heard yesterday, most of what ICANN does is talk about how wonderful the internet is and how much it's grown, and then take some appropriate level of credit for being in the plumbing of making that possible.

Only so much time should go into bragging about our role in an awesome internet, since many in the audience are worried about the awful, not awesome, effects it's having on their citizens. I think that we had several interventions, Edmon included, who tried to tell the governments in that room that ICANN is so unique. It's a place where anyone can go to the mic, is basically what you were saying.

And it's an amazing that anyone could participate and that's a great contrast with the way the UN works, and I appreciate that distinction. But again, it is not sufficient, especially in the eyes of GAC alumni who've been inside of the belly of the beast at ICANN. They are not going to tell their colleagues in government that what makes ICANN worth preserving is that anyone can go to the mic, even governments, that will not be persuasive.

In fact, what we need is evidence that we are protecting and serving their citizens and businesses, like proof points. I would rather you remind governments that GAC advice has a special place at ICANN. I would remind them that the safeguards and public interest

commitments in the 2012 round arose from GAC advice in the concerns that they raised. Find every opportunity to show where we've assisted law enforcement and consumer protection agencies at disclosing registrant information pursuant to investigations they're doing.

Show them we're helping to protect their citizens by forcing disclosure of registered information. When Meta is trying to protect 200,000 of its users from being phishing and farming victims, in other words, demonstrate that we're delivering and don't think that it's sufficient to brag about the ICANN's role in an awesome internet, or that ICANN is the only place that everybody can go to the microphone, that won't do it.

MATTHEW SHEARS:

Okay, thanks, Steve. We are going to have to bring this topic to a close. Danko, and then I'll say a few words and then we'll move to the next one.

DANKO JEVTOVIC:

On the IGF, yes.

MATTHEW SHEARS:

Okay. That was really a few words. Just before we go to the third point, Steve, you've said a lot of things that resonate. What I would say though is that from the Board perspective, the issue of internet governance in its broadest sense, not picking on any particular piece

now given the years from the GDC through to the WSIS that are approaching or on top of us, it is now a full Board priority.

So we are very focused on this. It's also a CEO goal, so it is elevated to a degree within the organization that gives it the kind of importance that it warrants. I'd also mention that not all of the work ICANN IAN does in this space is done through letters that are visible to everyone. There's a lot of work that goes on unseen and unheard, but that really moves ICANN's position forward on these issues. Just wanted to make sure that we got that. Mason, over to you.

MASON COLE:

Thank you, Matthew. Topic number three for us is speaking of the three-to-five-year plan, we're a bit behind on a Holistic Review. We wanted to raise that topic because we're concerned about the current GNSO structure that the Board may not be completely reflective of GNSO contributions. And we'd like to get the Board's perspective on the timing of the Holistic Review, what that review may look like, what kind of information the board is seeking, and how we'll have an opportunity to contribute to that Holistic Review.

MATTHEW SHEARS:

Actually, I'm going to put Katrina on the spot. I think you should come up to the table, Katrina, so you can answer this or at least start the conversation. Thanks. Just give us a second.

KATRINA SATAKI:

Thank you very much, if I may from here. Well, I'm Katrina Sataki, I'm currently the chair of the Board's Organizational Effectiveness committee. That is the committee that oversees all the reviews and implementation of community recommendations, including recommendations from the ATRT3 to introduce pilot Holistic Review to ICANN set of reviews. As you may know, currently we have published terms of reference documents is out. Please provide your comments.

The way it's currently envisioned after initial discussion that we had with the community, with the first version of tour that did not find support from ICANN's groups. So now we have second version. The idea is to have a pilot, which would come up with methodologies and holistic view on the Holistic Review, if I may say so.

So your input to the tour is very important because currently we are working on shaping the Holistic Reviews of the future. We would like the pilot to come up with the bylaws, proposed bylaws change to ensure that we have a pilot Holistic Review in the bylaws, and thus we can have a real Holistic Review that would deliver on expectations from the community. But we can't have anything without your input.

So if you support the idea, please provide your comments. If you do not support, if you want to see any improvements in the way we envisioned pilot. And when I say we, I do not mean the Board, I mean a smaller team of volunteers from the Board and from the ATRT3 team that worked on this on the document and presented it to the community. And Matthew, I'm sure that you as active member of the

small team and the Board organizational effectiveness committee, can add more context and flavor. Thank you.

MATTHEW SHEARS: Thank you very much, Katrina. Well just, just don't hand off the mic yet. Does anyone have any questions for Katrina while she has the mic in hand?

MASON COLE: No, just noting that we have 14 minutes left.

PHILIPPE FOUQUART: Thanks, Matthew. This is Philippe Fouquart, ISPCP chair. I don't know if that's totally related with the Holistic Review, but it was the topic of NomCom rebalancing was associated with it during our day zero and discussions with the NCPH-- within the NCPH.

I just want to note that on this and referring to the recent correspondence between the board and the various SGCs, that there's some recognition within the NCPH, that the very notion of rebalancing, and in particular, at the risk of being blunt, the idea of trading one seat for another as far as the NCPH is concerned, should not be considered as an internal NCPH problem, but more, look at it holistically.

And all things are not equal, if you see what I mean. We can consider increasing that number. I don't think that will be recorded by a

correspondence by the NCPH, but that's certainly something that we discussed and agree on. Thank you.

KATRINA SATAKI:

Thank you very much. If I may, I'll use remaining 13 minutes to cover NomCom. So yes, there was a second review of the NomCom, and one of the recommendations was to look at the rebalance, or not rebalancing, but the balance of the NomCom. And, well, it was the second time, second review, and second time same recommendation was received. First time, it was decided, okay, probably we're not in a position to initiate those discussions this time.

I thought that yes it needs to be addressed because clearly there is some kind of unhappiness in the community with the way the current NomCom is structured. So we initiated discussions with the community, and all community groups received a letter from Tripti asking for your input. And thanks a lot to every community group that did provide their input.

However, it seemed that there is clearly no agreement within the community what a balanced NomCom looks like. Those groups that are happy with their number of seats, they say it's very well balanced. Those that are not happy, they say, no, it's not balanced. Well, of course, the Board cannot change the bylaws unilaterally. We need to have a discussion.

And your initial feedback showed that we need to have more-- well, first we need more discussions, and probably we could think about a different approach to the entire notion of the NomCom. And with that,

we would like to initiate this next step of discussions. We would like to look at other organizations outside ICANN, from our own industry, maybe from other industries, to see how they approach their NomComs, how they are structured, how they ensure the balance of their NomCom structures.

And with that knowledge, we would like to go again, back to the community and again, continue discussions on that. However, one thing, sorry, I would like to stress that this initial communication showed that everybody's actually happy with the outcome of the NomCom. And that is a very good sign, and that gives us hope for the future. Thank you.

MATTHEW SHEARS:

Thanks, Katrina. I think Steve, you wanted to come in.

STEVE DELBIANCO:

Thank you. Katrina, Steve DelBianco. The conversation we just had is so indicative of what we do at ICANN. We deep dive over the composition of the people who are on a nominated committee that names eight of the 15 voting seats. In doing so, and enables us to avoid talking about the elephant in the room, which is the voting seats themselves and where they come from.

The BC in and our comments on the Holistic Review in the last two rounds, continue to ask that the scope include a consideration of whether there ought to be two additional voting seats, namely for the

GNSO. Because the GNSO is 99% of ICANN's revenue, it's probably 98% of ICANN's workload, and it has two seats of the 15.

And in that regard, the GNSO is structured in such a way that the non-contract side, the non-contracted party house, has to figure out how to divide or take turns or compromise over Board seat 14 in a way that is completely disruptive to that side of the house.

I think the registrars and registries are very capable of figuring out which of their two can step up. That hasn't been an issue, nor should it be. Becky represents that perspective really well, that she, of course, represents the interest of ICANN, but it's the perspective that's informed. So registrars and registries ought to each have a Board seat, the NCSG and the CSG ought to each have a board seat, and adding two voting members to that board, I'm asking you plainly why that isn't been added to the scope despite us having given pretty persuasive arguments on it in the last two rounds of comments.

And we'll submit the same comment again in the hopes that it will catch a ready ear, because if we can't do this in the Holistic Review, Katrina, there isn't any other way to affect this change. That's why we were hopeful that the Holistic Review provides the first and perhaps the only opportunity. You can't do this through the GNSO review, it's about the whole of ICANN. Thank you.

MATTHEW SHEARS:

Thanks, Steve. Okay, Edmon, very quickly.

EDMON CHUNG: Thanks. Just very quickly. I hear what you say, Steve, but I think it's important also to understand the background of how the NomCom was created and it comes hand in hand with ALAC. So that was back then how it was created. But going forward, I agree that there's need to do a Holistic Review.

MATTHEW SHEARS: Thanks, Edmon. Mason, back to you for the last topic.

MASON COLE: Sorry. Thank you, Matthew. Our last topic, it could take up the last part of our conversation as well as the next two hours, I'm sure, but we wanted to talk about fixing WHOIS. And to I know we've touched on WHOIS a bit already, but to lead off that topic, we're going to call on Brian King from the IPC, please, Brian.

BRIAN KING: Yeah, thanks, Mason. When we received the Board's question about what to do in the next three to five years, there was a cheeky response. I got a lot of traction on the IPC list that said we should just say, fix WHOIS and end the meeting. But it is important in all seriousness, and it's probably the most important topic. Access to WHOIS information would've made all of our lives easier here in the ICANN space.

It's easier to address DNS abuse more effectively and efficiently with, with access to WHOIS information. You can affect a more secure, probably faster transfer policy with reliable access to WHOIS information. So the list goes on of why WHOIS is so important.

So the question is, what's the Board going to do now? We have a couple WHOIS policies, we have thick WHOIS, we have privacy proxy services accreditation implementation that's been paused. Are we ready to go? Can we get going? We're encouraged by the Board spirit of let's get some stuff done now in this new Board administration. And so, in that spirit, I'm hoping I'm leading the witness.

MATTHEW SHEARS: Thanks, Brian. Becky's going to respond.

BECKY BURR: I'm really not good at being a lead witness, as you know, so give it the old college try. A couple things, we talked about thick WHOIS, we believe that that the policy that we looked at, and the Board asked the GNSO Council several times whether it really meant to remove the mandate for the WHOIS, and we were assured that the GNSO Council meant to remove that mandate.

Now, having said that, we were, I was the person who asked many times. Having said that, we absolutely believe that if a registry needs the WHOIS data for any legitimate purpose, including compliance with NIS 2, they're entitled to get it, and that's an enforceable commitment. With respect to privacy and proxy, this is something that is very top of mind for me and the Board as well.

I understand that there are actually conversations going on here with the PPSAI IRT. The staff is ramping up to do the implementation on it. I think it behooves us now because unfortunately, it's a really long

time since the policy was adopted to make sure that all parts of it are relevant and that we don't need anything else in there. But I can assure you that from the Board's perspective, addressing this is very important. And then as you all know, we have RDRS rolling out. It is going to be rolled out shortly.

We hope that it will make it easier for people to request information, and we hope that it will make it easier for registrars to conduct the balancing test based on a sort of uniform set of information. But the design is not closed on that, we have always contemplated that there could be post rollout tweaks, and so that is working. So we'd love to fix WHOIS, but we have to fix WHOIS in a way that reflects the reality of the regulation that we're all dealing with.

BRIAN KING:

Yes, thank you. This is Brian for the transcript. I'm going to take that as great news on PPSAI. So we're really encouraged to hear that, we would love for ICANN to implement some policies especially ones that are ready and have been passed through the bottom up consensus driven multi-stakeholder model.

I think that's a great thing for ICANN to be able to celebrate getting done, and a common sense one, I think that'll help RDRS, that'll help all the other things that you need reliable WHOIS policy for, so thank you.

MASON COLE: Thank you, Becky. Thank you, Brian. On that topic, I'm not sure that the CSG would fully agree that the GNSO is in total harmony in terms of thick WHOIS, but we can have that ongoing discussion. Right, I know, I know. Okay. we are at time. So Brian, I'm sorry,

BRIAN KING: Sorry, the risk of disrupting harmony here. I am aware that's what the council said, and the issue with that is that as somebody who is in the working group, it gets to the fundamental role of council and is council a policymaking body or is council a policy manager?

Because in the working group, we didn't say that it was meant to repeal thick WHOIS right, but asking council after the fact kind of puts council in a role that is not council's role in policy making then instead of policy managing. So that's a challenging way to, I guess, try to sort that out. But we may agree to disagree and fight about that another day.

MASON COLE: Becky.

BECKY BURR: For what it's worth, I don't think we disagree.

MASON COLE: Okay. we are at time. So on behalf of the CSG, I just wanted say thank you to our board colleagues for this productive hour. It's been a healthy exchange. May not agree on everything, but that's the ICANN

sphere that we live in. But it's been a very productive exchange and we thank the Board for making time for us. So thank you.

MATTHEW SHEARS:

And on behalf of the Board, thank you very much. It's been a good discussion. Not quite so scripted as before, which is good. I think it's moving in the right direction. Very much appreciated. Also, just to say it's been a pleasure working with you. Oh, Danko.

DANKO JEVTOVIC:

Thank you, Matthew. And on the behalf of the Board, I would like to thank Matthew for being with us for six and previous three years with the transition and chairing this session, and we are grateful for your service. Thank you.

ALISA HEAVER:

Thanks, everyone. Please stop the recording.

[END OF TRANSCRIPTION]