
ICANN79 | CF – Joint Session: CPH and CSG Memberships
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SUE SCHULER: Hello and welcome to the meeting of the memberships of the Contracted Party House and the Commercial Stakeholder Group. My name is Sue, and I'm a participation manager for this session.

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And now I will hand the floor over to Ashley Heineman.

ASHLEY HEINEMAN: Thank you very much, Sue. Ashley Heineman here, chair of the Registrar Stakeholder Group. And for the sake of time, I'm just going to note that we've got the chairs of—I always get this acronym wrong—IPSPCP—

PHILIPPE FOUQUART: ISPCP.

ASHLEY HEINEMAN: —thank you—the IPC and the BC and the Registries Stakeholder Group. And we have a lot to cover. I think it's great that this seems to be a

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standard meeting now, so I appreciate all of us getting together. I think this is a great opportunity to exchange ideas on important topics of mutual interest and to make sure we understand each other.

So with that, I am going to first turn it over to, I believe, Sarah to talk about RDRS. So, please, take it away.

SARAH WYLD:

Thank you. Hi, everybody. I'm Sarah Wyld. I work with Tucows, and I'm the Registrar Stakeholder Group rep for the RDRS Small Team. Okay, next slide. Thank you.

All right. So my apologies to those who have heard this already, but to level set, I am going to do some quick background about the RDRS. And to start, big thanks to the ICANN staff and to the whole small team. This work took a lot to set up. It has been live on schedule, which is great. And thanks to everybody in the CSG for using the service and socializing it among your membership and for being here to discuss it with us today.

Okay. So the RDRS is a pilot project that will run for, at most, two years, gathering information about the volume of requests for the disclosure of previously public gTLD registration data. People who want to know what is the domain ownership data can use the RDRS to submit a request, which is then routed to the appropriate Registrar for consideration. If the registrars' determination is that the data should be disclosed, then that disclosure happens outside the RDRS platform.

Similarly, if the registrar needs to ask the requester for more information, any back-and-forth conversation happens separately. It is

not part of the RDRS. And once the decision is made, the registrar carries it out. So they provide the data if appropriate. And in the RDRS, the registrar documents the outcome.

At the end of this pilot project, the ICANN Board will use this data to inform their decision as to whether it's in the best interest of the community to build a broader Standardized System for Access and Disclosure (SSAD), as was recommended in Phase 2 of the EPDP for registration data.

Now, during this pilot project, ICANN is publishing metrics. And so we already have two reports available on the website. There's a link in the slides, which I think will be shared if they haven't already. In the reports, we can see information like how many registrars and requesters have signed up for the system, how many requests have been submitted, and what the outcomes were for those requests that are concluded when the report is generated. So it's always as of the report date.

Throughout this whole process, the Standing Committee continues to meet to review the reporting data, consider what improvements could be made in the short term, and consider if there are specific lessons coming out of this RDRS which could help to inform the Board's decision. Much of the feedback that we've seen from registrars so far is about usability of the platform. And I've heard, for example, from some registrar colleagues that we often need to request more information before a decision can be made.

So we among registrars are going to sit down and try to understand what is mandatory, what is optional, what's not included in their request, and see how that compares to what we typically want to see in

a request. Because when we did the initial system setup, we thought it seemed sufficient. But now there is always room for improvement. So that's one thing we're going to work on.

From the requester side, I have seen a lot of feedback from the GAC Team, and I've got a couple of notes about that up in the slide as well. Although the feedback is coming from the GAC, most of the RDRS usage has been related to intellectual property and other types of non-law enforcement requests. So I want to really encourage our CSG colleagues to work with your RDRS Standing Committee representatives and ensure that all of your feedback is captured in the impressions document which is provided by ICANN for the Small Team.

Your experiences and the time that you take to document them are valuable, but the information won't be properly used if it doesn't make it to the right group. So I'm looking forward to seeing that. Next slide, please.

Okay. So with all that said and knowing that this is not a meeting of the Standing Committee, how's it going? What can the Registrar Stakeholder Group do to help ensure that the RDRS is successful? I guess I should have said what can we all do together? Together, what can we do to help make sure that the RDRS is successful in gathering the information that the Board needs to inform their decision?

And I see Lori's hand already. Thank you.

LORI SCHULMAN:

Hi. Sarah, thank you for that overview. There's been a lot of feedback collected from our constituencies internally, and I'm happy to say that

we have an agreement now that the IPC and INTA—INTA's doing its own internal data collection—will be frequently forwarding the feedback to the Small Group that includes Steve DelBianco, John McElwaine, Paul McGrady, Steve Crocker, you, and whoever else is on that merry team. So just so you know, from that level, you will be receiving the feedback as we have been getting it.

In terms of what you've heard from the GAC, you've heard that as a result of meetings they've had with me and others who are representing organizations that are doing their own internal data collection, INTA just, for the record, has launched this weekend rdrsstories@inta.org. You are welcome to submit any story, chart, data, whatever to INTA, which is me, basically.

We will be collating the information, presenting these updates frequently to ICANN. I had agreed to do it directly to Elisa and her team in one-on-ones that we had, but I'm very happy to forward to the Small Team, too. Whatever it takes to get the information you need.

I also want to share that on the INTA side, we've challenged 100 members to file at least 50 requests between now and May, which would give us 5,000 more requests into the system. And we're also running a program that ICANN will be participating in, as well as Owen from Namecheap, Phil Marano—our happy family—to present.

And we're hoping between anywhere between 501,000 INTA members at a plenary to be held at our annual meeting in May in Atlanta. I know many of the registry, including your own and GoDaddy, are members of INTA. You are very welcome to attend the annual meeting and to participate in this session.

So just to kind of note that from wearing, more, my INTA hat than my IPC hat. That being said, wearing my IPC hat, it's going up and down, I would say. We've got some very good reactions to having a centralized place and having forms and having templates that can be reused. I'd say those are very positive things.

There's some clunkiness to the system in terms of how many clicks you need to get wherever you need to go and some other things you'll hear about. And we're having an open session tomorrow, the CSG Working Group to talk about requester experiences. Your stakeholder group was invited and notified.

And we're focusing on requestors rather than data controllers tomorrow, but you'll hear a lot of data then in terms of how it's going. So I know there may be some conflicts there, but it will be recorded. And I'm happy, on behalf of the IPC, to speak with you afterwards once we get that data in.

And finally, I want to go back to one of your points that I think is very important. And I had a meeting today with ICANN senior staff about it because this is a question that's come up among our members when you talk about running the RDRS as a two-year pilot only. On our side, we interpret that as for two years only, you will be collecting this data; and not two years from now, RDRS gets shut off.

If that's not your impression, then I think as a joint effort, it's important that we come to an understanding about that because we're being asked and you are being asked to put a lot of resources into a system, provide a lot of feedback, hopefully have it evergreen and iterative, I would hope. And so to say this all goes away in two years will make it

very difficult for me to socialize among IPC members in the broader business community.

With that being said, I can tell you on the INTA side, I have positioned this as a beta test. I'm not telling anybody this is a final product. All I'm saying is this is experimental. We'd like you to participate. And this is why we're only asking for 50 to 100 requests for this first challenge to see how it goes for people.

But when speaking to Xavier this morning, I asked this question. I said, "There's confusion on our end. When you say two years only, does the flip just off-switch? Or when you say two years only, do you mean that's the frame shot you're going to have and the Board will have to make further decisions about SSAD?"

So Xavier's answer to me was, "No. We consider this evergreen. It's a program." Because if you look in the budget right now, there's no money in the budget that we can see that's allocated to any continuation. So to me, that's a big clue. And when we pointedly asked the question, he's like, "Oh, no, no. Those resources are allocated there. They're an ongoing program. It's not considered something we'd pull out separately."

I don't know how I feel about that answer, but that was the answer we were given. But in his view, this is an ongoing program.

SARAH WYLD:

Thank you so much, Lori. So what I heard is, it's a lot of work to do for something that goes away in two years. And, boy, do we feel the same. So it is so much work to use this system, but I don't have a better idea.

And so as you said, it is exactly a pilot test. It's a beta test. The point is to gather this information to help the Board know how to go on. So I think it didn't really make sense to commit to doing it for longer than two years because the purpose is to gather this information. So I did sort of think it would be turned off after that.

I'm not sure if the Board has the option to renew the RDRS service. Right? The purpose of it was to gather info to decide to build an SSAD. Maybe they'll say, "We don't want to build something bigger, but this is good. We'll keep it." I don't know if that's an option, but it might be something to consider. Or maybe the data will show that it's not worth it either way. I don't know.

LORI SCHULMAN:

Right. If you don't mind, I'm going to respond. And then I'll yield just because, clearly, I think this is a discussion point that should be ongoing, and we should be aligned, hopefully, with how this resolves and thinking it through. Because, as I said, our interpretation seems different. And we want to make sure we're all on the same page.

ASHLEY HEINEMAN:

I think you guys are saying the same thing. From my perspective, my understanding was that this was not going to be shut off. It's just going to continue to iterate. So I think we're saying the same thing, just a little bit differently.

So let's continue on. Steve, please go ahead.

STEVE DELBIANCO:

Thanks, Ashley. Steve DelBianco for the BC. I'm on the Small Team and was part of the group that worked on setting up RDRS, as well as EPDP that preceded it. And throughout the RDRS discussions, I predicted there would be very low demand because there was optional participation on the part of registrars.

I'm glad that the participation from the requester community has been as high as it is, but as a programmer, that's a function. The requester demand is a function of two variables: the experience of making requests and the experience of getting disclosures. And as we have stimulated participation, the experience of making the requests is loaded with a lot of things that are awkward, cumbersome, questionable, could be improved.

But I'd like to set that aside for a moment. The actual function of how is the experience of disclosures is dismal. It's about 6%. And that is after adjusting for things like getting privacy proxy back or getting approved that weren't approved at all. And we'll be able to document that for you.

But put this in the broader context. It won't take two years to have the requester demand begin to fall off. And I hate to be right, but we will probably see a decline rather quickly. And our group will have to say, "Wow, is that because people don't need it, or is it because the requester community has very low, low experience with the requests and very low experience with the disclosures?"

It may be we don't need two years to validate that it would take policy changes and maybe a few tweaks to the code. But mainly policy changes involving the participation of registrars, policy changes about

consistency in deciding whether to grant a disclosure request that is documented sufficiently.

So I'm encouraging us not to look at the two years as the notion of "where do we go next?" It's really just: how long do we need to go to assess what policy changes will be needed, what programming changes are needed to have this actually be attractive enough for the requester community to use it? Because we are on a path to declining requests, despite the efforts of Lori and others to stimulate enough requests. Thanks very much.

ASHLEY HEINEMAN:

Thank you, Steve. I am going to do my best not to respond because I really want to. But I'm going to keep going in the queue. Reg, please go ahead.

REG LEVY:

Thanks. And thank you, Lori, for characterizing this as a beta test because I want everyone to be assured that this isn't what SSAD is supposed to look like. This is really just for gathering data.

And I also want to reiterate what Sarah said and assure you that it is clunky for us, too. I am constantly submitting requests to Sarah that I'm sure drive her crazy to sort through and then provide to the official team in terms of things that I think could make it better.

But what I really wanted to do is confirm that your challenge to 100 people to submit 50 requests isn't just creating requests where none need to happen. But rather that you're telling these people, "If you have

requests, don't send them directly to the registrar. But instead, use RDRS."

LORI SCHULMAN: [I'm going to] respond quickly, of course.

REG LEVY: Please.

LORI SCHULMAN: We're not asking anybody to send frivolous requests. We're looking at this as a possible new way for a better communication path. Period. And that's it. That's the whole expectation.

REG LEVY: So when you say 100, people 50 requests each, how is that? Like, how did you choose those 100? Do you know that they send out 100 requests a year anyway and—

LORI SCHULMAN: If you want to get into that nitty-gritty detail—

REG LEVY: No. I'm just trying to figure out how you're making sure that they aren't. Because I've seen so many frivolous requests.

LORI SCHULMAN:

Well, I'm certainly not going to preview requests. All right? We have done extensive briefings to our Data Protection Committee and our Internet Committee. We've included ICANN staff on those briefings. ICANN staff has come and walked through RDRS for our committees. They were present at our leadership meeting in Houston. We also had office hours for the ICANN staff where our committees could come in and speak directly and asked their direct questions. We have started internal gathering, as I've said.

And the hope is that's an arbitrary number. I'm only socializing this right now to two committees, but then we'll go broader, depending on how things go. So we have a nice tick-up rather than a flood because there's a lot neither side of these requests really quite understand yet until we start to use it more clearly.

So it's basically that there's more or less about 300 people involved in this request as an arbitrary goal. If we could get a third of them to at least [inaudible] their enforcement. And we've only asked people to do it if they have domain portfolios. So it's been very clear that this is about domain investigation, real enforcement, real requests. If you're not sure where to go, try this. And if you've been going other places before, try this.

So that's the kind of messaging. But what we're not saying is, "This is a solution," clearly. We're not saying anything more than what I just said about the beta test or the time frame, even. So we're trying to walk that tightrope because, as you can imagine, as much as—in my personal capacity, I believe we have to work forward to a common solution no matter what.

At INTA, if I'm going to go to my 30,000 individuals and say, "Come use this," I have to be able to—I can't say warrant, but at least have them feel that it's predictable and something reliable. And, hopefully, we get there. But I can't just launch it and say, "Here we go."

So to your point, I wouldn't be super worried about what I hope will not be frivolous requests. We're looking at two committees that are fully vested in good outcomes here. Think about what we chose. Our Internet Committee. That's where all the ICANN engagement falls. And to our Data Protection Committee, who are the experts in data protection law globally. All right?

REG LEVY: Okay.

LORI SCHULMAN: So that's how we're choosing.

ASHLEY HEINEMAN: Thank you, Lori, for that clarification. And just in terms of proceeding, hopefully, we all recognize this as a pilot. We're doing our best to make the most out of this situation. Let's just be careful and understand that the point of this pilot is to set expectations. It's not that you're automatically going to get the data that you want. And I think you all understand it, but just to make that clear because that wasn't one of the criteria.

But let's go ahead on with the queue. I assume that's an old hand, Reg. And let's carry on with Marc, please.

MARC ANDERSON:

Hello, everyone. Marc Anderson for the transcript. I apologize. I've got a funky angle on the microphone here. I'm the Registry representative to the Standing Committee and was part of the group that helped put together this pilot. And I want to thank the opportunity to hear feedback from everybody. Listening to Lori, I took her comments to mean there is demand for this. There is demand for a tool. Your concern that this would go away in two years, to me, is an indication that there is demand for a system like this to exist and continue.

While it's not clear, it's not predisposed what will happen after the two-year pilot, I think the members of the committee have always considered it a possible option that we recommend that the pilot continue. And I think if we see that there's demand, if we see that there's usage for it, then I think we're not going to recommend pulling the plug on this, and I hope that my colleagues would agree with me on the Standing Committee.

So definitely for myself, speaking for myself, I've always considered that a possible path forward, that we continue this pilot or that we recommend continuing the pilot in some fashion. ICANN Org has been great to work with as far as listening to feedback, working with the input from the Standing Committee and the community on how to make it better.

As Sarah said at the get-go, this was a rather ambitious project, and launching it on time and delivering on this in a very short timeframe was pretty laudable. And so I look forward to seeing where this goes and what the metrics show.

But interactions like this are, I think, very invaluable, having the opportunity to hear from the people that are using it on both sides, both the requesters who are submitting the requests and registrars who are having to figure out what to do with those requests. I think this is feedback we need to have, and it needs to get to the Small Team who's going to provide recommendations on next steps. So thank you very much.

ASHLEY HEINEMAN: Thank you, Marc. Catherine.

CATHERINE PALETTA: Hi, there. This is Catherine Merdinger from Name.com—no, sorry—Catherine Paletta for Name.com and Identity Digital. I wanted to respond to Steve's comment about the success of the RDRS being a function of request experience and disclosure experience. I think it's important to remember that the disclosure decision doesn't change based on how the request is received. So the RDRS shouldn't result in different disclosure decisions than if you come to Name.com specifically and request it.

So I think if we focus too much on how much data is getting disclosed, because we don't have data to compare it to, it's not actually going to be useful in measuring the success of the system. What the system is designed to do is to make it easier for requesters to reach registrars. And is it doing that—is, I think, the foundational question.

Whether data is disclosed really isn't relevant in my mind as part of the success of the RDRS because it's a completely separate system that the

RDRS wasn't designed to fix. The RDRS wasn't designed to make registrars disclose more data. It was designed to help requesters find the registrars to ask them for the data.

And so I think we want to make sure that we're setting reasonable expectations for how we measure this success. Thanks.

ASHLEY HEINEMAN:

Michele.

MICHELE NEYLON:

Thanks. Catherine has, of course, been much more eloquent about this than I would be, but I think the way Steve is framing this is fundamentally flawed because you're starting from the basis that you have a God-given right to data. You don't. You need to get away from that.

If the issue around experience is you're not getting responses, or you're having difficulty filling out forms—the user experience in UX, UI, all of those things is flawed—they're not something that can be rectified. But you cannot change the "results." You're not going to get more data. You're not going to say that x percent equals a failure. No. X percent is the percent of requests that were actually viewed and deemed to be valid requests.

The other requests were denied because they didn't meet the threshold, and you need to accept that. You cannot change the policy because not simply policy. It's law. And we as the registrars and registries have a duty of care unto our staff, unto our shareholders, unto

our clients. We can't just break the law just to make you happy so that you can turn around and say, "Oh, this was successful. 20% more people got access to data." That's not how that works.

ASHLEY HEINEMAN:

Thank you. But just one quick clarification. At least one of my hopes coming out of RDRS is that if we do find a way to streamline this in a way and make sure that we can find a way to get improved requests with more of the information that we need that will help us, and our response, I think there is a way that we can make it so the success rate of getting the data that you requested—there could be an uptick. But I think we're still in the very early stages of this. We're still hammering out kinks. So I just encourage everybody to be patient.

Sorry, Damon. I didn't mean to take away from your time, so please go ahead.

DAMON ASHCRAFT:

You're not taking away my time at all. Just speaking in my own personal capacity as an intellectual property attorney who has submitted requests, I've been pleasantly surprised. We've submitted a handful of requests. We've gotten really good results from those requests. And the result of that is we're going to be submitting more requests.

There is a bit of clunkiness with the system. There are some problems. But we found the more times that we do it, it's easier to address those. And so I would hope people would be submitting more requests. I know we're going to. And I've actually been able to push that work down to

even having my secretary do most of that work with someone else reviewing it.

ASHLEY HEINEMAN: Thank you, Damon. Sarah.

SARAH WYLD: Thank you. Michele brought this to mind. Maybe it's more appropriate, or I could expect this at this discussion session later on—I would be really interested to hear more specifics about the experience of requesters when a request is concluded—either way, approved or denied.

Do requesters understand the information that they are given? Do they receive the information in the way that they expect? Do they know what to expect? Are there ways to standardize or improve that? That might be a thing to consider. Or maybe you're happy with it. I'm not sure. Thank you.

ASHLEY HEINEMAN: Thank you. Steve.

STEVE DELBIANCO: Thank you. These specifics are best conveyed by working through a list that we would potentially organize. And we are compiling those, and they will be full of stories that you'll scratch your head about. How would that be denied?

But the basic statistics that concern me most are the non-participation of registrars and the frequency with which a privacy proxy is deemed as a response. And if the notion is that it makes it easier to reach the registrar, then we have to improve the participation rate.

But look at the dynamics here. If our experience of reaching and disclosing are sufficiently low and not improving, then we aren't likely to maintain the level of demand because the gain isn't worth the pain. Because we are, in that requester community, often taking dramatic action to take down a phishing website.

And while we're working with the host provider to do that, we simultaneously ask RDRS to quickly disclose the registrant so that we can identify whether it's part of—and it often is more of a criminal enterprise.

And us playing whack-a-mole one at a time isn't really going to give us a sustainable solution. That's not your problem. That's our problem. But we looked to RDRS to learn who the registrant was. Right? Piercing the privacy proxy so that we can piece together what other phishing scams we're dealing with.

So if we don't improve the registrar participation rate, that would, I believe, be the fatal flaw to maintaining a growth of demand. And that can only be done by encouragement. There isn't much policy that can require them to participate. But we've got to do something about that. And, Sarah, glad to go through in gory detail all of the experiences and stories. I don't think this is the right place to do that, though.

ASHLEY HEINEMAN:

Thank you, Steve. And just to remind folks, this was a voluntary pilot. There was nothing in here that forced registrars to participate. I understand that there's some disappointment that the participation level isn't as high at face value, but the number of items that are covered is quite high, and we are working to encourage more registrars to participate.

So just please keep that in mind. There's quite a bit of additional work for registrars to participate in this program. We're having to do things twice. So just bear in mind that there's some burdens on the registrar to do this, and I think a lot of goodwill and good faith is going into our participation.

Okay. Let's turn it over to John. Go ahead, please.

JOHN MCELWAINE:

Thanks. I would echo Damon's comment that as a requester, we're happy with the process. We are getting a pretty good result in terms of approvals. And I can say that even though we're below 50%, what we're seeing is that certain registrars are right around 100% approval rate, and others are at 0% approval rate.

So to your question, I think a lot of that has to do with communication. Communication as to what is it that one registrar wants to see to approve that request or deny it. And when communicating a denial, it is tough. I think, speaking for most requesters, you really can't tell why something has been clearly denied and how you can improve your request.

So being on the Standing Committee, one thing that I hope to see is better communication from both sides as to what information is needed and the reasons for those denials. Thanks.

ASHLEY HEINEMAN:

And quite frankly, I've been saying this a bit, but I think that would be a great exercise for us to do at some point in time, just kind of going through what a good request looks like and what a bad request looks like.

So next up, we have Volker.

VOLKER GREIMANN:

Thank you. Just one comment that, on our end, this is also very clunky. So I understand the registrars that are not participating because what we have experienced is that when looking at disclosure request that comes into our ticket system normally and a disclosure request that comes in through the ICANN system, the time required to respond to those as usually three times that of our own ticketing system. So it is a clunkiness. And I can understand those members that are not participating in the trial for this reason.

And one question, maybe for Steve, with regard to the privacy services that you see as a response: are those privacy services operated by the registrars themselves or third-party privacy services that might be operated by a third party that might influence the results? And if you could investigate that as part of your response, that will be very helpful as well. Thank you.

ASHLEY HEINEMAN: Reg, please go ahead.

REG LEVY: Sorry. I was trying to unmute myself on my computer. So there's a couple things that I want to address with regard to something that—you know what, I don't remember who said. But release of information behind a privacy service is not within scope of the RDRS.

So when I notice that one of the domain's request for which information has been requested has privacy information, then I say information is public and "deny" the request for additional information because it's not going to happen. If I don't notice, I provide them with the information, and sometimes they complain and say, "Wait a minute. I already had this." To which I say, "Then he already had it. Great. Now you've got it again."

That's not part of this. Privacy services typically require a subpoena or warrant or other form of due process to get behind, and RDRS does not change this.

To the extent that information for phishing domains is real, I think that's an issue—I feel like my voice keeps changing in volume. A lot of fraudulent domains use information for people whose information has been stolen. Right? So they're using stolen information, and now we're disclosing the information of innocent parties. And that's another reason that we really look at each of these requests with extreme—we have to balance the request against the rights of the person whose information is going to be disclosed.

Finally, somebody mentioned that we should get together and see what a good report looks like and work to improve the system. Yes, absolutely. I have a whole list of recommendations that I've given to Sarah that Sarah has given to ICANN because there are certain questions that should be required that maybe aren't required. Because I'm getting a lot of non-fully-formed requests through the RDRS system, and the RDRS system was created based on the questions that I ask.

So in a perfect world, everything that I get through RDRS would be exactly what I would be getting through my own system. And yet, I'm seeing a lot of malformed complaints through it. For example, I have European lawyers who are saying in the narrative, "I have an intellectual property interest in receiving this information," and they didn't check the checkbox that says that "I have a right to have this information under GDPR." And so I'm going to deny it because if they don't believe they have a right under GDPR and they're a European lawyer, then I don't see why I should think differently.

ASHLEY HEINEMAN:

Thank you. Michele.

MICHELE NEYLON:

Yeah, thanks. Just on this thing around the participation, a couple of things. Ashley or Sarah might have the actual numbers because they're good at these things, but my understanding is that about 75% of gTLD domains are already covered because you've got the top three or four—sorry.

Okay. Sarah, do you have the exact number? Somebody does. I know they do.

SARAH WYLD: Sam had posted something in the chat. I think it was 55% of gTLD domains from the February report.

MICHELE NEYLON: Okay. So you've got the biggest registrars. I suppose the thing is, what is the carrot to anybody? I mean, what is the incentive that they have to participate in this? And are there specific registrars that you feel should be participating for one reason or another?

Now, I will add the caveat that the ones that you might be most interested in are probably never going to participate and probably won't do anything anyway because they don't play nice with others, potentially, I don't know, if they're the ones who I see in certain types of campaigns. But I don't know.

If you're saying that you're looking for more participation, the question is: why? What is it that you're trying to solve that you're not solving? Who is it that you're looking for? And do you know who that is, or is it just a general, "I want to see more registrars"? Specifics help.

In terms of the phishing stuff, I remind a lot of you that, statistically, a very large percentage of phishing attacks use compromised websites, so the underlying data is absolutely useless. A lot of the time, they're victims as well. We find with a lot of our clients that even if we tell them that they've got this problem, we have to go and fix it for them anyway

because they just go, "Eh, WordPress. I installed that five years ago. I don't know what to do with it. Help." So you're not going to get a huge amount out of that.

If it's domains that are specifically registered and used for that, that's different. But, fortunately, I don't have that much of a problem on my bingo card. Thankfully.

ASHLEY HEINEMAN: Roger.

LORI SCHULMAN: And I have a hand, too. Yeah. No. He's first, I think.

ASHLEY HEINEMAN: Yeah. Just to remind everybody, I'm working off of the hand cue in Zoom.

LORI SCHULMAN: Oh. Okay, sure.

ASHLEY HEINEMAN: So if you have your hand up, please, that would be the best way. Roger, please go ahead.

ROGER CARNEY: Thank you. Michele, can you turn off your mic? Thank you. No. I actually just put my hand up because of what Damon and John said. And I don't

think I heard it from any of the other registrars. Oh, sorry. I'm from GoDaddy. Thanks.

I haven't heard it from any of the other registrars, but we've actually had a very positive experience using the system. And to Steve's point, and to Reg's, there's clunkiness in it, which is kind of expected. And we're documenting those things.

But from GoDaddy's operational aspect, we've actually had a pretty good positive experience with it. And I just wanted to share that because I think that kind of gets lost in the weeds of everybody complaining about "this button doesn't work" or "this doesn't ..." And, again, I think those little things can be improved.

And to Steve's point, I don't think it's going to take two years. I hope it doesn't take two years because I think it can be decided much earlier than that if it's going to be positive or negative. And I think we all understand if this system continues that everyone has a few items that it can be improved with, and it would have to be those things added for even the Small Team to say, "Hey, yeah. This is a great idea. We should continue for a little longer" or whatever it is.

But I just wanted to share, yes, it's been positive. Our operational group has enjoyed working with it, and continues to do so. Thanks.

ASHLEY HEINEMAN:

Thank you, Roger. I think it comes down to the mindset. Do you want to look at this constructively and build upon it and make it better, or are we trying to shoot it down and say it sucks? And I know that there's frustrations, and there's frustrations on all sides. But I think we just

have to keep reminding ourselves of what this is. This is a pilot, and we can't really come into this expecting it to be perfect at the start. And I think frustration is normal, so let's document it. Let's talk about it. Let's understand why we had the experiences we had and move forward.

Okay. I know you had your hand up. Well, you had a verbal hand up. Do you still want to take the mic?

LORI SCHULMAN: Yeah.

ASHLEY HEINEMAN: Go ahead.

LORI SCHULMAN: Yeah. It was just a quick thing to what Michele said. If the non-participant actors that seem to be on the top of our, let's say, top five list, were we to provide something like that to this group, how does that necessarily improve—that's what you want [inaudible]. We're happy to do that. I can do that. That's doable.

REG LEVY: Tell us who, [we new] people.

LORI SCHULMAN: Yeah, exactly. So we will do that. That can be done, folks. It's an easy ask. So some of this, yeah, we will do that. No problem. All right. I'll commit that from the IPC. You'll get a list, three to five. A number that you can work with. Yeah?

ASHLEY HEINEMAN: Yeah. And we'll do our best. I mean, we can't force them to do it, but I think knowing who to focus on and encourage them to participate, give them some kind of—the folks who are participating already, we can let them know on our experience and see if we can get them signed up. So we can start [inaudible].

LORI SCHULMAN: Okay. You will have that.

ASHLEY HEINEMAN: Thank you. Michele has his hand up. Please, go ahead.

MICHELE NEYLON: Just following up on the Lori's thing. Just bear in mind, [if I can] look at the moment, there's [an order] going on about the registrars. There's been a lot of back-channel discussion about what we're being asked and all that. For some companies, the notification goes to one person, and that person may or may not be that engaged in ICANN-related matters.

So in some cases, companies don't sign up for these pilots or anything else because they get an e-mail, and they're like, "Oh, I don't know what the hell that is. Do I care?" Unless somebody actually asks them, which is what we've done in the past, say, with the vote on the RAA Amendments where we actually rang around to various friends going, "Hey, have you guys actually voted?" And they're going, "What? We

have to vote? Oh, we thought that if we didn't say no, it was okay." And I need to explain to them that this is how that worked.

So just don't assume that people aren't interacting or participating out of bad faith. In many cases, they literally just don't know about it.

ASHLEY HEINEMAN: Thanks. Do you have any other comments before I wrap up?

LUC SEUFER: Yeah.

ASHLEY HEINEMAN: Luc [inaudible].

LUC SEUFER: Yeah. Luc from Namespace. And also to [inaudible] to what Michele said. Everything is in English, so a lot of European registrars won't know about the RDRS, what it is. And they will just say, "Oh, it's optional. It's in English. I don't have to read all that and implement something that it's optional." They just want to do it. Also, maybe ask ICANN to translate the whole thing. An idea.

ASHLEY HEINEMAN: Good input for the committee. Please, go ahead.

PATRICK FLAHERTY: Hi. I just have a follow-up to the comment from GoDaddy. So I'm not sure what the positive experience is because for us, Verizon, every request that we've submitted to GoDaddy has been denied.

ASHLEY HEINEMAN: Again, just—sorry. That was not frustration. This pilot is not to guarantee that you're going to be getting a response, like getting the content that you're requesting. And what I think would be helpful—and I don't know if this is for the subcommittee or for this group to get together—is to talk through why you're having that experience because there's probably a reason why you're having that experience.

So rather than saying, "I'm not getting the data I want. This sucks," let's just find a way to have a bridge here and figure out why you're getting the experiences you're having. If there's a legitimate reason that can be taken up by the subcommittee and made better, awesome.

If there's a reason you're having this experience because you're not submitting enough data, let's talk about what data that we need and what we expect to get if we're going to be giving you the positive response that you want. I think that's going to be a much more constructive way to deal with this moving forward.

But from our perspective, having it come through with an actual consistent, standardized approach for information that's being given to us, that is very helpful in streamlining it. But it's not going to be very helpful if people still aren't providing the information that we need in that template of information. So that's just some examples of how it's helpful to us.

And I think moving forward, it would be helpful to have one single mechanism input that we get these types of requests. So these are some of the reasons why we're finding it helpful.

But with that, I want to thank you all for having this dialogue, and I hope that we can continue having these types of conversations either as CSG and CPH, or most in particular through the Standing Committee, which is what they're intended to do, is to be collecting this data and finding ways to deal with it.

Okay, I see one more hand before we go to the next subject. So, Mark, please go ahead.

MARK DATYSGELD:

I'll try to transition to the next subject with a positive note. Right? Let's wrap up this discussion for a positive note. So the contract amendments got approved, and they are coming into force very soon. And this is something that we all accomplished together, and I think that underscores that we can work together to achieve good things. So let's keep working.

It wasn't easy to get those things approved. We know how much effort the CPH put into this. And yet, here we are. We just got done. So let's keep working together, working strong. And congratulations to everyone involved. This is a big advancement for the entire Internet community. And let's keep doing good together. So to put a bit of a cap on that first discussion and move on to the next. Thank you.

ASHLEY HEINEMAN:

Thank you very much, Mark. And, yes, that was an immense undertaking. Glad it's been recognized and noticed. And we'll see how it goes from there.

And just for you all to know, there's another session immediately after this that is going to be the outreach session on DNS abuse. And I hope you all are there. And that's where we'll be covering the DNS abuse topic.

So next up. What is [inaudible]? DPS. Yes, we've got the DPS. And that will be—Beth Bacon is going to take the lead on that one. So, Beth, please go ahead.

BETH BACON:

Hi, folks. Thanks for joining us today. We've been having a lot of conversations for a while about the data processing specification, for those of you that don't speak acronym. We've been working on this as Contracted Parties with ICANN out of the EPDP Phase 1 recommendations where they instructed us to enter into a data processing agreement between Contracted Parties and ICANN.

We have one very teeny tiny—tiny, tiny—issue left. Itty bitty. I can't emphasize how small it is. To the point where I think that there's a good chance we hear resolution on that this week or directly after this meeting, and then we can move along in the process of walking through that final text with our stakeholder groups and go to public comment. So it is very close. So happy to take any questions/comments.

ASHLEY HEINEMAN: Is that an old hand, Michele?

MICHELE NEYLON: No, it's a new hand—

ASHLEY HEINEMAN: Okay, please.

MICHELE NEYLON: —for a sarcastic comment. When this entire process started, I didn't have a nephew or a niece. And now my nephew is, like, in second class in school.

ASHLEY HEINEMAN: On that positive note, do we have any other comments or questions about what's going on? Lori, go ahead, please.

LORI SCHULMAN: So ICANN is a rumor mill, so I just—in case you haven't figured that out yet. So I didn't hear such a positive report as you just—so that gives me a lot of hope. When you say there's only one teeny tiny little thing that's—oh, you said it? Okay. Somebody said it. Beth said it. You are the same person. Yeah, you look identical. Yeah, I'm sorry.

BETH BACON: Yes, that's what I said.

LORI SCHULMAN: Sorry, Beth.

BETH BACON: And I stick by it.

LORI SCHULMAN: I've got the Reg magnet going. But with all that, Beth, my question would be this. Are you happy with the outcome? Is this workable? Do you think that where you are in this process will help us kick-start Accuracy and kick-start the other processes that have been on hold because of the lack of this specification?

BETH BACON: So I think maybe reframing that approach because I do not believe—and I think that if you can look back to ICANN's statement at the maybe February GNSO Council's statement meeting, this is not on the critical path to accuracy. This is an agreement between ICANN and Contracted Parties for the existing requirements within our Registry and Registrar Agreements.

This is not for accuracy. Accuracy, WHOIS, ARS—that is a different task. I think they were pretty clear about it. If you look at that statement as well, ICANN has made inquiries into European data authorities to get that insight, and that's separate from this.

So the answer, I guess, is no. But it was never our intent for that to be an outcome of this. We do think that it is helpful, and it will fulfill all of the needs as outlined in the EPDP recommendation.

LORI SCHULMAN: That's good to know. And I apologize, but I'm just going to say if I'm conflating them, then my guess is there might be many in the community that conflate them, and it would probably be a very good message coming from your side of the house to clarify what is and isn't happening right now in terms of the two different paths.

BETH BACON: Yeah. That's really helpful. That's very helpful to know, and happy to do that. And if we can coordinate with you guys to elaborate on that message or share it, then really happy to do that as well.

ASHLEY HEINEMAN: Susan. Where's Susan?

SUSAN PAYNE: So I was just going to say I'm not disagreeing with Beth as such, but there are a number of items. We've just, in Council, been going through a list of various projects, and on a number of them, one of the—I think we ended up calling them speed bumps—was quite often that the DPA wasn't in place.

Now, when the DPA is in place, that doesn't necessarily mean that everything is wonderful and rosy, and it's all perfect. But there is no doubt that we had a number of projects. And, indeed, I think we even said to staff, "Could we have a list of all of them pulled out for us?" There were a number where it was an issue that was of relevance into whether we could go forward.

BETH BACON: Sorry. I think I'm misunderstanding. The GNSO thinks that the DPS is a stepping stone to the—

UNIDENTIFIED FEMALE: Accuracy.

BETH BACON: —Accuracy work? Is that what you said?

SUSAN PAYNE: Yeah, I mean—no. What I'm saying is there were a number of projects, including Accuracy, where the DPA was listed as a speed bump into progress—or lack of a DPA was listed as a speed bump or even a reason why we cannot progress this at the moment.

Now, it may be that, in some cases, that's not correct. But, for example, on Accuracy, you probably are aware that the Council has voted a number of times to defer going forward with the two recommendations that came out of the Accuracy Scoping Team. And part of the reason for that deferral was because there was no progress on the DPA, and we were waiting for that. So there's a connection, let's say.

BETH BACON: All right, that's helpful. And I apologize. I couldn't hear. I misunderstood. I think maybe that's something that we can go in and talk to the Council about and get some clarity, and we can figure out what the best path forward is.

I will say that ICANN did make the statement. It was pretty clear. Maybe there was just disagreement on the Council, and it could be a roadblock. But I think that's something we can maybe take offline and discuss and clarify.

SAM DEMETRIOU:

Thanks, Beth. Susan, that, maybe, I think, disconnect is something that has come up in our discussions—"our" being the folks on the CPH Negotiating Team—in the discussions with ICANN Org. And we've asked ICANN Org to be a little bit clearer in its public statements about where there may or may not be dependencies for how it can process data in response to these tasks.

So I think there has been some confusion and some misstatements, and we've asked ICANN staff to think about that and to be a little bit clearer where it can be. So we're aware that this is something that has gotten a bit muddled, and both—I think Beth did a great job of laying out what we're trying to do on our side, but I think also ICANN staff is aware of this and is also working to help clear up these areas of confusion. So it's on the radar.

ASHLEY HEINEMAN:

Five-minute warning. I see Crystal has her hand up. Please go ahead.

CRYSTAL ONDO:

Thanks, Ashley. Crystal Ondo, Google. I think, Susan, somewhat the disconnect here is Contracted Parties and ICANN negotiated an agreement. We're hoping it'll be done this week, knock on wood, at

which point it's up to ICANN to decide how they use that agreement. Right? Contracted Parties have no input here beyond a member of an AC or SO or the GNSO.

ICANN will have an agreement with us in how they interpret and how they decide to use it. It is outside of what the Contracted Parties can weigh in on, necessarily. So I think the clarity needs to come from ICANN and not from us as to how they plan on using it once it's in place.

ASHLEY HEINEMAN: Thanks. We have five minutes left. And this has been a lot of content, so I'm just going to turn it over to the leads of the CSG, since you guys haven't really had a chance to—

[SUE SCHULER]: We still have [inaudible].

ASHLEY HEINEMAN: Oh, we have one more topic? Good Lord. Okay, never mind. WSIS+20. And this was your issue, so I'm still going to turn it over to this CSG leadership.

LORI SCHULMAN: It's Philippe.

PHILIPPE FOUQUART: Thanks. This is Philippe here, chair of the ISPCP acting as CSG chair. The question is very simple. Over the last couple of months, we've considered, within the constituency, how we could weigh in on that

debate. And one of the options that we had was to contribute to a questionnaire that was put forward by the ITU and, more generally, the UN body that's called Commission on Science and Technology for Development

So basically, the bottom line of our response is essentially to support the multistakeholder model with the notion that a number of our members could actually use that. And we all know how that happens internally for a number of us. They're looking, when the time comes, of expressing themselves on a topic like this. We'll be looking for prior positions on only.

So that was seen as an opportunity for us to just make a statement on this. So we did just that a few weeks ago, and I think I shared that throughout the GNSO.

The question is very simple. Has any of you considered doing similar things, either here or elsewhere, and how you would weigh in more generally on this WSIS+20 debate over the next couple of years?

ASHLEY HEINEMAN:

Thanks. And my apologies for almost skipping over this agenda item. So speaking specifically for the Registrar Stakeholder Group—but I think it's the same for the Registries as well—is that this is not a topic that we're addressing at this point in time as our stakeholder groups. We are tracking and monitoring through, in particular, the geopolitical sessions that ICANN is putting on.

And I do know that individual members, there are those within our membership who are active and engaged. But at this point in time, as our group's specifically driven through, we're not at this stage.

But I see Chris Disspain has his hand up. Please go ahead.

CHRIS DISSPAIN:

Thanks, Ashley. Just to give a little bit more color and depth to it, just to say the ccTLDs are working on this. Their Internet Governance Liaison Working Group met this afternoon and started talking about what, if anything, the CCs can do. CCs are in an interesting position as ISPs. They've got contacts with governments and so on so forth. And telcos, of course.

And Benny came and announced that ICANN's going to provide a networking umbrella mailing list for people to join. And then there's going to be some more stuff announced on Thursday at the session. But I think different parts of ICANN are moving at different speeds on this. But certainly, it's on the agenda. It's on the At-Large agenda. And obviously, unsurprisingly, on the GAC's agenda. Thanks.

ASHLEY HEINEMAN:

Keith, please go ahead.

KEITH DRAZEK:

Great. Thank you, Ashley. And thanks to the CSG for bringing this topic up. Just to reinforce Ashley's point, this is not really a topic that's on the radar of the stakeholder groups, the Registries and Registrars directly. But, certainly, as Ashley noted, members of the groups are very aware

and concerned and engaged in responding to this questionnaire, either directly or through trade associations.

We know that, for example, I2C, who's a member of the ISPCP, has been helping to coordinate some messaging. There's many of us on the Registry and Registrar side that are engaged in that, that have provided feedback or input to that process. There are other groups who have been engaged in this.

So this is certainly on the radar of many of us, but it's not really, at this stage, at the Contracted Party House level in terms of our ICANN policy development and consensus-building processes. But it's certainly something that I think we should keep in touch on moving forward over the next year and a half or two years as we approach that WSIS+20 review because there's other multiple steps, input points along the way that I think we need to be responsive to as technical community/private sector members of the multistakeholder model. Thanks.

ASHLEY HEINEMAN:

Thank you, Keith. Go ahead.

PHILIPPE FOUQUART:

Thanks. Just to follow up from that. Yes, I think the purpose of us doing this at this point was really to get out of these sort of chicken-and-egg problems of who's going to start first. And we saw that milestone as a great opportunity for us to weigh in. So thanks for the feedback. And, hopefully, we can distribute that as much as we can over the next couple of years and get engaged. So thanks for that [inaudible]. Thanks.

ASHLEY HEINEMAN: Thank you. And I think this is something we can engage on over the next couple of years.

Okay, we're out of time. But I wanted to thank everybody for this very useful exchange. And, again, always great to have us come together and meet and talk. So, thank you. And we have another important session coming up, so let's go get your coffee and then head to the next one.

CHRIS DISSPAIN: Can I just make a logistical announcement about the session that's coming up?

ASHLEY HEINEMAN: Yes, please.

SUE SCHULER: Let me end the recording, please. Please stop the recording.

[END OF TRANSCRIPTION]