
ICANN79 | CF – GNSO: BC Membership Work Session
Tuesday, March 5, 2024 – 1:15 to 2:30 SJU

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I will now hand the floor over to Mason Cole.

MASON COLE: Thank you very much, Devan. Good afternoon, everyone. Welcome to the BC meeting on March 5th here in San Juan. It's good to have a good complement of people in the room today, so thank you for rushing back from lunch as the ExCom just did and making the meeting on time.

So the agenda for the day is up on the slide on the screen as you see it, and we've got one addition to make, and that's an item from Mark.

Mark, I understand you need to roll for a bit. Okay.

So what we're going to do is we're going to go to Ching and Ed with a presentation, shortly. Steve will lead the policy calendar review. Tim—

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Is Time on the line? Tim, are you there?

UNIDENTIFIED MALE: He's there.

TIM SMITH: I'm here.

MASON COLE: Great. Good to have you. Thank you. So Tim is going to do the finance and administration update. We have AOB somewhere in there. As soon as Mark is ready, we'll insert his agenda item. But are there any changes or updates or requests on the agenda as you see it, please? Okay. All right.

Ching and Ed, are you prepared?

[ED GIBBS]: Yes.

MASON COLE: Okay. All right, Ching and Ed from WhoisXML API are here with an update on the ongoing discussion on DNS abuse and investigation. So they've asked for the floor for a quick presentation, which I think is going to be about 5-10 minutes. Is that right, gentlemen?

[ED GIBBS]: That's correct.

MASON COLE: Okay. All right, please take the floor. Thank you.

ED GIBBS: All right, thank you. So just a little bit. We're going to spend maybe 5-10 minutes, I think, at the most, covering a case in which we recently helped solve for some very high-profile investigators around the world. Next slide, please.

So the investigators gave us eight domains that were responsible for stealing over \$20 million in theft. The six domains were linked, but however, there was two domains that were not linked to the other six in any way whatsoever that we could match on.

Typically, when we do things like reverse WHOIS, we can look at name servers, we can look at date creation, things like that. But we couldn't really nail down anything to these other two domains that they felt that were part of this theft. And a lot of the information that we gathered led nowhere. Dead ends, privacy fields, things like that. There was nothing we could go on without actually getting a subpoena and looking at the other information, which was not going to happen. Next slide, please.

STEVE DELBIANCO: [inaudible] one thing. There is no such service as a reverse WHOIS. You are speaking of a general tactic—

ED GIBBS: Right.

STEVE DELBIANCO: —looking at some other registrant linkage, like an e-mail address.

ED GIBBS: Correct. So like I said, a lot of the records were redacted. It really didn't lead anywhere, and it was mentioned that there was cross-jurisdiction issues and things that made things very, very complicated. Next slide.

So the investigators were trying to assess whether it was state-funded actors. Was it a rogue group? Was it independent actors? Who was really behind this? And there was really some interesting information that we had on the six domains that kind of led us to believe that this was state-funded. And so just the profiles of what a state-funded group looks like, compared to the rogue and independent actors out there. Next slide.

So having hit a roadblock, they reached out and said, "Could we possibly find anything else, either through WHOIS records or DNS and IP Geolocation?" OSINT tools really didn't lend a lot of information that could help out in this area, so we did allocate some time and give them a hand. Next slide.

So what we did have was a lot of DNS, and this is AI's creation of a data dump. So having billions of rows of different type of DNS records, we went out, and we searched everything we possibly could, looking for some link. Right? And think of these DNS records coming from resolvers around the world, being able to correlate that and being able to search, more importantly.

So a lot of times, these people forget that nothing is really private on the Internet. Once you make these DNS calls, of course, that's public, in the public DNS space, and somebody probably has a record of it. And we just happened to have a record of what we're looking for. Next slide, please.

So, again, going through these different types of DNS records, finding a needle in a haystack. And, wow, did we find a lot of needles. We started searching all these different record types, MX records, everything. And then once we isolated the information in the records we were looking for, something became very obvious to us. Next slide, please.

These eight domains were indeed connected and appeared to be one organization that we agreed upon. Of course, criminals think differently. Some people say that criminals aren't very intelligent. Well, they are now. And they're very, very technical and very well organized. But sometimes they don't think ahead, and this is where they made some fatal mistakes. I'm going to point those out in just a second.

But using these historical DNS records and being able to look at the WHOIS records that were currently there, like I said, we were able to find the six. And then using DNS, we were able to find the other two. So what we did see was different patterns in the other two domains that were set up where the other six had a lot of commonality in the structure and things and the names that they used in the DNS records. Next slide.

So this was what was printed. You might recognize this. It's a Maltego graph that basically is used by a lot of the OSINT investigators and things, and investigators in general [as they] collect artifacts, that, at the very top, a lot of this information was redacted, of course.

It showed the domains and then the two straggling domains off to the right-hand side that had no association. But as we drill down into name servers and tax records and different elements of records in DNS, we could see a cross-correlation between the two. Next slide.

So here's the mistakes. Number one, the transaction or conversation ID in DNS didn't change. They were using one DNS server. And so the six domains that had CNAME records, we could see this unique identifier where the FQDN appeared across all the other domains.

The SPF records were identical in the MX and TXT records. IP Geolocation/IP Netblocks were, of course, pointing to a VPN provider which the mail server was behind. And the name servers were sometimes shared across domains, and we'd see those changes in historical DNS take place.

Also, the naming conventions that were used were very, very close to proximity to the other domains that they had set up—next slide—which led the investigators to use chain analysis to figure out where these domains were placed on the blockchain and then follow the patterns and transactions through the crypto where the money was going.

You can see it bounces around a lot, and that's maybe to hide their tracks. Or they're thinking they're hiding their tracks, but there's always a ledger. Right? And we were able to see the cross-correlation between those as well. Next slide.

But the ultimate destination ended up in a few wallets, as it usually does, and we were able to see that as well. And in this particular case, these wallets had domains associated with them, marked in black. I

can't show what those domain names are, but they are located in none other than China.

That was an interesting investigation, \$20 million. We're working on another one with \$80 million. That's taking a lot more time to figure out because they hide their tracks a little bit better on this one. Next slide, please.

So using that primary key, we were able to track down additional domains. For example, the largest key that I discovered had 260,000 domains associated with it. And looking at some of those domains, if you were to look at the names, you would say, "Okay, well this looks very suspicious." A lot of brand names are mentioned in there and different things. They pop up, and as fast as they pop up, sometimes they go away.

Others sit there benign for years, so they can bypass filters based on creation date. In one particular case, though, we noticed a pattern in domain names that had pharmaceutical companies. Pfizer added different ones. And we started looking into this, and we didn't see anything suspicious at first until we put some real-time monitor on the WHOIS records.

And we could see that these people were changing the company or organization name throughout the day to be these pharmaceutical companies, as if they were trying to represent themselves as this company to someone. And we saw as many as eight changes in one day, and the normal pattern was maybe two or three changes a week for about a month. And then we had to stop monitoring it.

But not sure what their intent was or who they were trying to impress or scam, but that was the situation with the pharmaceutical companies that we saw in there. And so using these type of keys and being able to locate those keys, we can associate many, many thousands of domains to one another. And that was different.

UNIDENTIFIED MALE: We have a question from Mark.

ED GIBBS: Yeah, Mark.

UNIDENTIFIED MALE: [inaudible].

ED GIBBS: Go right ahead. [inaudible].

MARK DATYSGELD: Thank you. So I am doing research and quoting exactly on that, stopping pharmaceutical scams. Very interesting points that you bring up, but one thing that I would like to ask is, at this point, when we're diving this deep, we're basically searching through name servers. We're way past beyond just doing what a normal WHOIS would do. We are correlating with databases, geolocation databases. We're solving this in lateral ways.

At that point, aren't we going even past what WHOIS was there to do? Aren't we developing a better methodology at the end of the day that

makes WHOIS kind of, sort of pointless in a way? Because we can get a lot of stuff from RDAP, except for CCs? And then we can correlate at this bigger level.

So my real question is, aren't you arriving at a better methodology at the end of the day?

ED GIBBS:

Right. So having the resources to work with this methodology is important, and the accuracy of the data. So that was critical for us in being able to look at this now. Having found these patterns took some time and a lot of resources. But, yeah, it goes beyond WHOIS. Right? Because a lot of times, we get approached.

And once records are redacted, it's a dead end for a lot of people because they don't have the resources to go beyond that. Of course, if they look a little bit further, they can look at IP Geo and things, assuming that they have the data to be able to look at that. A lot of people don't.

So, yeah, this is something that having those tools available would take you one step further than a WHOIS and the RDAP and things like that and find those associations. Next slide.

So this is basically just what I said. The bottom line is OSINT didn't carry it far enough. Right? If you look at things like DNSDumpster, dnstwister, and all those wonderful tools out there, even IP Geo, it didn't help very much but in certain cases. So this was a great find, being able to do this. And we have many more domains that we've been able to isolate and track down. Thank you.

MASON COLE: Thank you very much. Follow-ups for Ed and Ching, please? Questions? Comments? Margie.

MARGIE MILAM: Hi. Thank you for that. It was really fascinating. Is there one or more registrars that were in the [inaudible] network you were referring to?

ED GIBBS: Sure. One registrar was in the U.S. It begins with a "G." And the other one was in New Zealand, which is quite popular now among bulk, registered domains.

MARGIE MILAM: And did you try to do a WHOIS Lookup? Or I guess a RDRS request is the right [inaudible].

ED GIBBS: Yeah, I did.

MARGIE MILAM: You did?

ED GIBBS: And I got no response.

MARGIE MILAM: You got no response?

ED GIBBS: Yeah.

MARGIE MILAM: Okay. Thank you.

MASON COLE: Thank you, Margie. Anyone else? Follow-ups for Ed and Ching, please?
Yeah.

STEVE DELBIANCO: Let me just ask. What is the next step in your research? What do you want to cover next?

ED GIBBS: So the next step would be: what do we do with this information? The company I work for, we're an information broker per se. We're not an analyst company, so finding the right person to put this in the hands of would be the next step.

MASON COLE: All right. Anything else for Ed and Ching, please? All right, gentlemen. Thank you. Very helpful, very informative. Appreciate you making the presentation.

ED GIBBS: Sure.

MASON COLE: All right. We're back on the agenda. We're going to insert now, between 2 and 3, Mark's items. So, Mark, please go ahead.

MARK DATYSGELD: Thank you, chair. Thank you both for the presentation. Great data. Please keep bringing this to the BC. Fascinating stuff.

So the agenda point I would like to bring concerns NETmundial+10. Today with us, we have a special guest from CGI.br, Renata Mielli. She's right over there. If she could step up here to the table and tell us a little bit about the events, making this our official NETmundial+10 announcement for the BC.

Thank you so much for being with us, Renata. The microphone is yours.

RENATA MIELLI: Good afternoon. Thank you, Mark. Thank you for the invitation for talk a little bit about our event, NETmundial+10, here in the Business Constituency.

Well, we decided to debate with the community last year during the ICANN in Hamburg and during the IGF in Kyoto. We made a lot of bilateral meetings and some consultations with our partners and other members of the Internet community about the opportunity of an organizing event to debate the challenges of the multistakeholder [inaudible] process, facing the new technologies, the new digital

agenda that is more broad than the Internet itself; facing the challenges that we are now in the middle of. A lot of debates, international debates occurring in a lot of multilateral spaces.

And we have, now, the challenge of the renewal of the WSIS+20. We are debating the GDC. We have also the high-level advisory Board for AI occurring now, led by the tech envoy whose debate also focuses on [inaudible] space to organize the governance of AI.

And we try to address these challenges. And for this, we think organizing events like NETmundial bottom-up, organizing by the community in a multistakeholder fashion, we already have a high-level executive committee that's composed by the five sectors of our community—governments, civil society, private sector, academia, and the technical community.

So our main point, our main goal with this event is how we can develop improvements to the methods and procedures to the multistakeholder process that can really be more effective in making inputs and be more relevant for the space that are making decisions about the Internet and everything else.

For example, we have IGF. And in IGF, we have a lot of very important and good debate about all the sorts of things related with the [inaudible] the Internet. But we don't have nothing more concrete to support or to give to the spaces that are making decisions about how we think as a community about all these processes. So that's the idea of our events that are going to take place in São Paulo [2913] April.

To finish now, we are launching, I think, tomorrow a platform to receive the registrations. The event will be hybrid because that's the way our world is today, hybrid. So to amplify the participations, we are talking about an event that maybe have 500 people in person, 100 for each sector. So civil society, 100; academia, 100; governments, 100—

UNIDENTIFIED MALE: Business.

RENATA MIELLI: Business, 100, of course. Business, of course. I'm sorry. And that's the structure we are projecting for the event. And we are finishing our mechanism for receiving contributions to [listen] the community about how can we in fact propose concrete things to improve the multistakeholder process.

This consultation will be made in the form of questions, so we are going to make online questions for the community to answer. And within these answers, we are going to propose a final document that will be put into the community to [listen] the communities about the document.

And for this week also, we are going to prepare at least a draft of the program, of the event. Maybe not with the panelists, but with the name and the scope of the event itself—the panels, the spaces for discussion of the document. We are going to share this first draft for the program of the event this week.

So I don't know. If it's okay, if anyone of you have more questions and want to discuss with me and Nivaldo. And we have other members of CGI and members of the government of Brazil, and we are very open to share, to listen, and to receive your comments about events. Thank you very much.

MASON COLE: Thank you very much for that introduction. I'll take a queue. I know Steve would like to ask you a question, please.

STEVE DELBIANCO: Thanks, Renata. The business community benefited from being one of the four lines 10 years ago, being able to have input. And then it also benefited. The business community could spread into the different rooms where people were holding the pen to draft answers to your questions.

And I would ask for some confirmation that that will be a similar process in April since that would increase the level of interest in the business community of attending in person. Thank you.

RENATA MIELLI: Yes, we are making something very close to what we had in the previous event. Of course, we know that we have a short time, but our ambitions in this event is different because the context [inaudible] in 2014. We have all the Snowden revelations. We have, also, the questions that involve ICANN with the IANA Transition. And in this very particular moment, we are focused in debate 10 years after that previous event:

what are the challenges that we need to face to improve the multistakeholder process? That's our narrow and very strict goals to this event. So, yes, we want to make more similar as possible to guarantee that every sector has the same space in the event.

MASON COLE: Thank you. Nivaldo.

NIVALDO CLETO: It will be a pleasure to welcome friends from BC to my hometown, São Paulo, Brazil. My home and the home of Mark. We'll be there to accompany you during the event. And perhaps if there is time, we will take you to visit the CGI.br facilities and the one, the largest Internet actions on the planet. Okay. I [inaudible] all the colleagues in São Paulo. Thank you.

MASON COLE: Thank you, Nivaldo. Yeah, Andrew. Please.

ANDREW MACK: Thanks. And it's really great to be back in this room with everyone. Natalia and all of our friends from Brazil, if this goes really well, what would you like it to look like at the end? What would you like to come out of this? What would you like the BC, the business community's takeaways to be? What does success look like?

RENATA MIELLI:

Well, in my opinion, that's not the opinion of everybody on CGI, but if we can achieve, if you can build toolkits offered for the community, guidelines that can be used to have a really flourishing multistakeholder process that can deliver concrete guidelines, recommendations, communiqués for the spaces that are now making decisions without [listeners].

For me, if we can achieve this, for me, we will have a successful event because I think the community needs to be more relevant in all this debate. That's what I think it will be. If I understand [inaudible] your question, for me, a successful event will be one that we can say for the world what we want for the debate about the Internet. We don't want fragmented spaces.

Now we have a lot of [space discussion] in making decisions, and a lot of countries and civil society and even business sector can't follow all this process in a appropriate way. So we have to have a more concrete and less [pragmatic] space to discuss and decide things about Internet. This includes all the sectors that are affected by this decision. So that's my fine points.

MASON COLE:

Thank you, Renata. Thank you, Andy, for the question. Any other follow-up for Renata or Nivaldo or Mark, please? Okay, I see no hands.

Thank you very much for that presentation. I hope you get great attendance at NETmundial, and best of luck with your event. Thank you.

RENATA MIELLI: Thank you. Thank you very much.

MASON COLE: Okay. All right, we will proceed on the agenda now to the policy update. So, Steve, the floor is over to you, please.

STEVE DELBIANCO: Thanks, Mason. Steve DelBianco here. I'm your vice-chair for policy coordination, so I will display the policy calendar which was e-mailed to all of you yesterday. So you've all got it, and it would be your option to follow along there.

I'll try to make this abbreviated. This is an open meeting, so we don't necessarily get into the more subtle and strategic discussions of how we're going to address a single point. We tend to take it as a bit higher level, especially given the compressed timeframe.

But you cannot do the policy calendar without thanking the volunteers who made it possible for us to post the last two. On the 28th, we commented on the NCAP Study 2 for name collisions, and it was Vivek that made it possible. He drafted that for us, and I strongly appreciate it. We basically concluded that we didn't need another study 3 for name collision. Thank you, Vivek.

On the 23rd, we got a very substantive response to the Board's questions directed specifically at us and GNSO, ALAC, and SSAC. Those questions were about Registry Voluntary Commitments and Public Interest Commitments, about which the SubPro, the Council, and the Board had

already approved, importing the same public interest commitments from 2012 into the next round.

The question was: can they contain content-related restrictions in the contracts, especially with regard to their voluntary commitments? We did a plenary panel in San Juan yesterday, and I tried my best to represent the BC's positions as were drafted by Margie, by Chris Lew-Evans. Alan Woods helped. Steve Crocker as well.

And I think we came up with a pretty strong statement. I did have to acknowledge where we differed from the IPC, and it had to do with whether applications could proceed if they could not take all of their promises and bake them into the contract. IPC said let them proceed without those elements. We had said it would stop. So I gave both.

The session was not particularly well attended, but we did cover a broad gamut. And at the end, I added the BC's recommendation that the Board should proactively do a resolution to interpret its own Bylaws—which Bylaw it can and should do.

And if it does so, it interprets those Bylaws with respect to its ability to enforce contracts between ICANN and a registered operator, even where those contracts might include registered operator making promises associated with content-related conduct. We hope the Board would lean in the direction we heard yesterday, that the Board would conclude that it is allowed to enforce those contracts.

Having done so, I'm pretty sure that someone in the ICANN community will file an independent review challenge, trying to challenge the

Board's ability to do so under the Bylaws. That's fine. That's how the system is supposed to work.

But it should work before we open the next round, not after the next round is opened. Not after applications are approved or governments say, "Remove their objections pursuant to a promise made by an applicant" only to discover two years later ICANN cannot and will not enforce. So you can see my interest in trying to say the BC wants it to be done before the round opens.

I will stop for a brief moment to see if anybody has any observations/ corrections about how that went yesterday and where we go. Any?

Mark.

MARK DATYSGELD:

Mark Datysgeld, GNSO Council. So I think it went better than it came across. It's just that people are sticking to very specific points. It's a lot of lawyers in the room, I guess, because if you take out the specificities, you will notice that a lot of the intention was aligned, more or less. The problem is when you get down to the specifics, how to advance those specifics, is my question now. And totally relying on you guys, especially you, Steve. But wasn't as bad as it looked, in my opinion.

STEVE DELBIANCO:

All right, thank you. I was glad to see them employing stress tests and getting acknowledgement of that. I think we'll end up using that as a BC tactic whenever possible.

All right, there are a lot of open public comments right now. The good news is not a lot of it is significantly due right away. But I've got to quickly go through these to see if I can recruit interest from among the BC members online and in the room to help to contribute in the volunteering.

The Phase 1 on the EPDP on Internationalized Domain Names or IDNs. I want to thank Ching Chiao who did the initial BC comment on Phase 1. And Ching has already drafted to Phase 2 report, which is due on the 12th of March. That is attached to the policy calendar. I'll display it right now and give you all opportunity.

Ching, why don't you walk us through your main conclusions, and then I'll have the opportunity for BC members to come back because we will not have another meeting between now and when we submit this comment.

CHING CHIAO:

Thank you, Steve. So three points to make here. So I think for the interests of BC as registrant for the IDN gTLD, three points I'm making here. So number one, we are telling the Board that stick to the same entity rule. So what we're saying is that, let's say, if you have already registered an IDN.IDN name back into the 2014 and later, then the variant of that particular IDN.IDN name should go to the same registrant. So that's number one. Okay?

So then the number two and the number three, I'm going to say is more at a higher level. So the point number two is that we're telling ICANN that this is going to change the user experiences of IDN gTLDs. Meaning

that in the past decade, there's no variant. But from 2026, there will be variants. So it's a change of user behavior. It's a change of registrant experiences at the registrar.

So it's going to be very different. Right? So what I'm saying here is telling the Board to be very careful when they do this public awareness campaign. Make sure that they get the message out.

And the third one, I'm going to take maybe the last 30 seconds on this. But this third point is rather important, so what I'm going to say is that they are going to allow the single character IDN gTLD in the Han script, meaning the Chinese, the Japanese, and the Korean script. That, to me, personally and professionally feels like the ASCII gTLD will be [inaudible]. The 26, the alphabets and all the digits—I mean, sorry. Not the digits but the alphabets.

So it is a big deal, you know. Not to us, but I'm not sensing the Board or the EPDP Team has that message across to the ccNSO or the GAC. So we're saying be cautious with the opening of the single character. Thank you. Any questions? I'll be happy to take [inaudible].

STEVE DELBIANCO:

Any questions? Thank you, Ching. I've displayed it on the screen. It was sent to all of you, and we are raising issues that we want to be considered before this report is finalized. Any questions for Ching? Thanks, again, for doing that. I'll go ahead and get back to the policy calendar quickly.

All right. So that covers number one. I will put out a last call on about the 9th of March, which is your opportunity to give any final.

All right. The Applicant Guidebook for the next round, which is still two years away. Right? But certain chunks of the Applicant Guidebook were pulled from the 2012 round. And SubPro and staff have put together drafts, and there's several sections in there that are highly relevant to interests of the BC. Those comments close to 21st of March.

Crystal—I'm sorry. We need a volunteer on that one. Those close the 19th of March on the next round of the guidebook. I'm confusing the two comments on the screen.

On the other hand, Crystal, if you wanted to help with the guidebook, we'd be glad to have it.

But these are proposed sections of the next guidebook. So do we have BC members that could volunteer to examine that for issues that are critical to the BC? This is on the guidebook. Bartlett is volunteering. That's one.

UNIDENTIFIED MALE: We need somebody more [senior]—

STEVE DELBIANCO: Yeah, we need somebody more senior and experienced.

VIVEK GOYAL: I was just going to suggest. I am not senior with more experience, but I'm willing to support him on that.

MASON COLE: Thank you, Vivek.

STEVE DELBIANCO: Thank you, Vivek.

VIVEK GOYAL: [inaudible].

STEVE DELBIANCO: Who was familiar with the 2012 round and worked intimately with the guidebook? Even if you were working as a consultant to the others, to the applicants? That would be so helpful.

VIVEK GOYAL: I did.

STEVE DELBIANCO: Any others.

CRYSTAL ONDO: I mean, Mason did.

STEVE DELBIANCO: Ah, okay.

MASON COLE: I think Crystal did, too.

STEVE DELBIANCO: All right. I'm going to put you both down to help with this. All right, thank you.

Third item up is the top-level strings for internal private use like .internal. Crystal, you're already the volunteer for that. Comments don't close for a bit, but how's that coming along?

CRYSTAL ONDO: I actually just e-mailed it to you. It's in your e-mail.

STEVE DELBIANCO: Thank you, Crystal.

CRYSTAL ONDO: Yeah. But just so folks are aware, Google uses .internal on the cloud side very extensively. We did submit a comment on behalf of Google—Vint Cerf did it—supporting the reservation of this TLD. I'm hoping the BC similarly gets behind reserving this as well. I know other large companies across the world also use .internal, so it's a big risk if we don't get it reserved. But if anyone has pushed back on wanting to have .internal be an actual TLD, let's talk about it because that's definitely something we should get on the same page about.

STEVE DELBIANCO: The risk we're eliminating is collisions—

CRYSTAL ONDO: Correct.

STEVE DELBIANCO: —in DNS traffic. And the BC led the way at being concerned about collisions in 2012. There's not so much happening on it anymore. That study we discussed earlier. It's probably going to go away, but let's consolidate behind this. Any different? Thanks, Crystal. Appreciate that.

CRYSTAL ONDO: I will just say that, hopefully, Steve can send that around in his next update, the link to the comment. It's short, but .internal is the most used and delegated TLD on the list, according to ICANN's data. So it is important that we support—

STEVE DELBIANCO: And, Crystal, I invite you to, just—what you sent me today, could you forward it to bc-private?

CRYSTAL ONDO: Yep, sounds good.

STEVE DELBIANCO: Great, thank you. All right. The string similarity guidelines. Do you remember this—the singulars, plurals? Whether words looked very similar? And we even were concerned about non-Latin character sets that were confusingly like the Latin character set. Again, the BC played a major role in trying to come up with a more rational test of similarity, as opposed to the algorithm that ICANN came up with 14 years ago.

So this is an opportunity to review the brand-new proposed guidelines as to how they would do string similarity. And this is when two strings that are proposed are similar to each other, or a string that is proposed is similar to one that's already out there, which creates confusion there.

So I would love to get a volunteer. And this is one that is so easy that any of you that are brand-new to the BC could jump into this. It's just common sense looking at character strings and the way to assess whether they would be visually or phonetically confusing to an end user.

Can we get one volunteer?

HELMUTS MESKONIS: [inaudible] one.

STEVE DELBIANCO: Fantastic.

HELMUTS MESKONIS: Yes.

STEVE DELBIANCO: Helmut.

HELMUTS MESKONIS: [Good afternoon]. Yes.

STEVE DELBIANCO: Thank you very much.

HAFIZ FAROOQ: Excuse me. I'm Hafiz Farooq. I am also new to the BC, so I want to be part of it as well. Thank you very much.

STEVE DELBIANCO: Helmut and Hafiz. That's fantastic. And this is on number four for string similarity guidelines. Thank you.

HELMUTS MESKONIS: And if we could have somebody who could supervise us.

STEVE DELBIANCO: I will. That's my job.

HELMUTS MESKONIS: Fabulous, thank you.

STEVE DELBIANCO: That's my job. All right. The next one up is the Applicant Support Program Handbook. So what is this? This is for applicants for new top-level domains who are from an economic sector or non-business sector that need assistance. It could be technical, legal assistance, but also financial assistance with the cost of filing an application.

In the last round, Andrew Mack was very active on the applicant support group. For all the work that went into it, there were so few applicants who sought the support. This time around with all the auction proceeds

sitting there, there's an interest in seeing more applicants who receive support. And there's even a Bylaws provision that says if they got the support, they shouldn't use the money to turn around and sue ICANN for denying their application. You're about to see that.

So we commented on that. Thanks to Vivek and David. And Lawrence served on the Applicant Support Guidebook Working Group. So, naturally, we have folks that already understand this pretty well because we commented just five months ago.

Can I look to you to volunteer to help finish it up?

DAVID SNEAD: Sure.

STEVE DELBIANCO: I'm so bad. Thank you.

DAVID SNEAD: Yes, you are.

STEVE DELBIANCO: Yeah, I know. Thank you, David. It was David, Vivek, and Lawrence.

DAVID SNEAD: Yeah.

STEVE DELBIANCO: All right, thank you. Thank you very much. And then the next one up is Bylaws Amendments to Limit Access. This is exactly what I was speaking of. To limit access to be able to use an accountability mechanism if, in fact, you receive money specifically from the guide program.

This one is not due until 15th of April. We don't need a volunteer today. But for this one, it would be helpful to have a lawyer, of which I am not. So we need a lawyer who understands the notion of doing challenges. Okay?

UNIDENTIFIED MALE: [inaudible].

STEVE DELBIANCO: Final one up. Okay, fantastic. Thanks, Margie. And the final one is NIS 2, for which I always turn to Sven, to Margie, to Marie, and any of those of you who are connected tightly in Europe as to the progress that the member states are making on implementing NIS 2 with an October deadline in sight.

Marie, anything on NIS 2 that you want to observe?

MARIE PATTULLO: Nothing specific that you haven't heard me say before. It is for the member states to now be taking this European directive and putting it into their own member state law, a process we call transposition or implementation. It's at a different level in each member state.

There is a corporation group where the member states come together to talk about it, which will include, we hope, guidelines on the implementation of Article 22, which is the bit that talks about WHOIS. Very important to remember that NIS 2 itself is not a directive about registering data. It's a directive about critical infrastructure. And WHOIS data is a tiny, [smidgenly] minuscule part of this.

That said, as you know, at an ICANN level, there is, I would say, two schools of thought. There's probably 864 schools of thought, but two main schools of thought. It's the ICANN one: nothing to see here. We have the ICANN policy. If the registries and registrars are based in Europe and must comply with NIS 2, no problem and absolutely no difference between the two because the policy, of course, does not prevent you from going further, which NIS 2 does require.

There's another school of thought which is: but wouldn't it be kind of nice, ICANN, if you gave the registries and registrars some help here?

Now, not my job to do publicity for the Board, but you're all coming to the Board later because as the CSG, we have a meeting with the Board later this afternoon. And the Board has specifically asked us a question about NIS 2, which our wonderful and esteemed chair, Mason, will be fielding.

Anything else, Steve? But I think [inaudible].

STEVE DELBIANCO:

Very helpful. We are hearing that they're not going to make the deadline. Any other observations on NIS 2? Okay, great. Thank you.

I'm now going to turn it over to Channel 2 on the policy calendar, and this is the opportunity to discuss what's coming before Council. There was very little that happened at the last Council meeting. You did vote to adopt a Registration Data Accuracy deferral, but the next Council meeting is tomorrow.

So is there anything particular that our councilors want to bring that up? I'll scroll when you tell me.

LAWRENCE OLAWALE-ROBERTS: So I'll take a shot at this, and I'm sure Mark will fill up. So one of the items that we have before us in the Council tomorrow revolves around reconstituting, hopefully, the Small Team on DNS Abuse. Now, there is a working group set up by the Contracted Party House, which Chris Disspain is coordinating. They are getting feedbacks from the CSG and the NCSG.

Chris is going to be at tomorrow's meeting to provide the councilor report. And, hopefully, when he does, that might set the tone for what the Council will do. We're already having discussions around the possibility of reactivating the Small Team on DNS Abuse. And where there is cooperation from the Contracted Party House, it will definitely trigger, hopefully trigger some other action from the Council side.

We have a number of housecleaning, more or less, items on the agenda. Mark, how would you want to progress?

MARK DATYSGELD:

Thank you. So one thing that sort of complements one of the things that we were discussing this time, which is string similarity and all that, is something that I have elevated to the Council, which relates to the .québec case in particular. This is something that's coming up, and I guess by virtue of me being the one leading this, it's also a BC matter, sort of.

Basically, what happened is this applicant is requesting control over both the accented version and the unaccented version of their geographical domain name, something that has been contested wildly by ICANN. And as it stands currently, the answer is, no, you can't have it. Which, from a perspective of Universal Acceptance, is pretty insane. I delivered a study to the Policy Team, and this is coming through the pipeline.

And the reason why this is important, it's not about Quebec in particular. It's about the next round and how we're going to deal with these different things that are not variants per se, but is literally the way that these geographical locations handle their own language. Right? So this is something that's going to unfold very soon, I would say. It's something thng to keep an eye towards, and I will be driving it for now.

Other than that, we had a prep meeting earlier in this week, the GNSO working session. I don't know who was there. One of the things that the Council is trying to do now is reprioritize its work streams. This is our thing for this meeting, at least. We went through, literally, everything that was on our plate, and there are things that haven't been updated in, like, four or five years. So we're trying to drop those and start to refocus on what's going to happen.

So I actually look forward to, in the next meeting, updating you all on what we have decided to focus on: what is the priority for [2024 and 2025]? And I think at that time, it will be more useful for us to give a more detailed approach as to, well, what will the Council do? So stay tuned. I think next meeting will be perfect to relay this. Thank you.

STEVE DELBIANCO: Lawrence, anything further on tomorrow?

LAWRENCE OLAWALE-ROBERTS: One of the items on the AOB has to do with the GNSO chair election. There is already anticipation for a calendar, a timeline, which starts from the 9th of May and shall end around October. So digressing back to the last discussion, the last session that we had, we might already—I mean, we should be proactive because we might already be late in terms of the timelines that we need to work with.

STEVE DELBIANCO: That's a sobering thought. We're already late—

MASON COLE: For next year.

STEVE DELBIANCO: Yeah, exactly, for next year. So on the other Council activities, we'll do a quick recap. Zak and Arinola represent us on the Transfer Policy Working Group. The floor is yours.

ZAK MUSKOVITCH:

Thank you. So Transfer Policy Working Group had two meetings at ICANN69. And not including those two meetings, there's been 100 meetings over the last two-plus years. And I'm pleased to report that my alternate, Arinola, reached an impressive 99% attendance record. Unfortunately, I'm only at 85%, so I have some catching up to do.

But as you can see in the policy calendar and on your screens, the BC's general approach has been that there should be a lock following a change of registrant and lock following a change of registrar. But there should be discretion imbued in the registrar to override or provide an exemption to those transfer restrictions.

And so it doesn't look like we're going to see a lock when there's a change of registrant. Currently, there's been a 60-day lock on change of registrant. That's going to go. But I can report some apparent progress when it comes to change of registrar.

At the last working group meeting, there seems to be support for allowing a registrar to exercise his discretion to approve a request by a registrant to alleviate or remove the 30-day proposed change of registrar lock if the registrant has what's been called an established relationship with the registrar.

So for those businesses that have been at a particular registrar and have a relationship with them for more than 30 days and intend to continue that relationship, that would enable you, if you're caught up in a 30-day change of registrar lock to go to your registrar, your customer service representative, your contact and say, "You know, Mary, John, could you please alleviate/remove this lock." And then it will be up to them to

approve your request. And I imagine if they don't, you might find another registrar.

But in any event, this seems to be progressing consistent with what the BC's position here has been for at least the last couple of years, which is that there should be a default lock, but there should be discretion to remove it [and possible] when circumstances require it.

So for example, if you've acquired a company or you're selling a business unit, you might find that, in preparation for that transaction, your domain name registrar has changed. And in that case, your domain would normally be locked for 30 days under the currently anticipated proposals. But under this addition to the proposals, there would be flexibility there.

So I think that's a positive result in the interim. Thank you.

STEVE DELBIANCO: Thank you, Zak and Arinola. Next item up, Nenad represents us on the working group for continuous improvement. Nenad is not—

MASON COLE: He's off the call.

STEVE DELBIANCO: Off the call? We'll go straight to the RDRS. There's been an awful lot of discussion on the RDRS, starting on Saturday morning at 8:00 with the PSWG Working Group. Steve Crocker and I both serve on the small team. We're doing our best to move that ahead.

This has been an information-gathering meeting with respect to how people are appreciating the use of it, and we are taking the position that the likelihood that we will continue to be active requesters is a function of two things: how easy and awkward is it to enter a request?

And then, second, how frequently are we getting a true reveal of the registrant information? Not just a referral to the [domain] proxy service. So we'll continue to work on that, but it's been adversarial in some instances with the contract parties. And that's unfortunate.

Any comments on RDRS? Did they talk about it at the GAC today? Anything of interest?

All right, then. The subsequent rounds comes up next. Were you about ready?

CRYSTAL ONDO: Sorry, I'm not in the room. Can I raise my hand?

STEVE DELBIANCO: Just go ahead, please.

CRYSTAL ONDO: There was a lot of discussion earlier this whole week about responses from registrars, and I just want folks to be aware that under the Temporary Specification, there is a requirement for registrars to respond to requests, but it doesn't say what they have to say to you.

In the Reg Date Policy, which was just published a few weeks ago, there are very specific requirements in what the registrar has to provide in a

denial response. So I'm anticipating that registrars will start focusing on what those responses will look like—how will they read—and that you should be getting more information as a requester when your request is denied. So I haven't seen that, but I think having that conversation now with registrars saying, "Hey, when you respond to me, don't just give me form language. Give me an actual—how can I help, how can I improve this."

And having that conversation now as registrars; do start to draft what that will look like under Reg Data, I think would be very useful not only for requesters, but also for registrars to align with expectations before that actually goes into effect.

STEVE DELBIANCO: That's very valuable. Crystal, could you share a link to the Reg Data? And is it final or draft?

CRYSTAL ONDO: It was published by ICANN to registrars and registries two weeks ago.

STEVE DELBIANCO: Two weeks ago. Could you circulate that to the BC?

CRYSTAL ONDO: Yes.

STEVE DELBIANCO: I appreciate that very much.

CRYSTAL ONDO: And it's Section 10.7, maybe, [that you're on].

STEVE DELBIANCO: It's good that you memorized that. That's great. You had a point?

VIVEK GOYAL: Yeah. I sat in on a lot of RDDS discussions, and one thing is becoming quite clear based on the experiences shared by Margie and our colleague from Verizon. You're getting inconsistent results across registrars. So if you have the same kind of challenge based on if it's phishing or malware, and you submit a complaint, and one registrar will give you all the results; the other will say "not sufficient information" and full stop.

So it seems like they are also struggling to figure out consistency amongst themselves. One thing I was going to propose in AOB, but I'll just say it now here, it will help if we in BC or maybe other members of GNSO can get some training from registrars who are willing to give that, "If we receive this kind of thing, we will not be able to respond. But if you include this information, we will be able to respond."

It will also bring some of them together and where one registrar will say, "I will not answer this," but somebody will say, "Oh, yes, I will answer this." They can have a conversation among themselves and figure this thing out. So consistency will help them as well as us and avoid wastage of labor when we're just putting in things where a simple help will increase the efficiency of the whole thing. Thanks.

STEVE DELBIANCO: Bartlett.

BARTLETT CLELAND: My observation from the GAC was a little bit uneven use or engagement with RDRS in their observations. There are a couple extensive amounts of comments. One, which sounded relatively skeptical through most of the comment, turned to be somewhat positive in urging improvements that were discussed.

And then, on the other hand, another fairly long conversation that was positive and very hopeful that everything that was laid out previously with the critique and what more information was needed in the functional improvements was hopeful. But I would say, in general, there wasn't a whole lot of engagement from the GAC.

STEVE DELBIANCO: All right. Thanks, Bartlett. And then turning to the—

MASON COLE: Margie.

STEVE DELBIANCO: Marie, please.

MARGIE MILAM: If you didn't attend the GAC session, Patrik actually walked through the portal itself. So if you're kind of interested in how it works without

actually having to go through it, I would encourage you to go look at the recording. And I found it really insightful.

STEVE DELBIANCO: Great. On subsequent rounds, or SubPro, Imran represents us. Any report on progress on the Implementation Review Team?

IMRAN HOSSEN: Thank you. Still, I am working on this. The last few meetings, I was absent, so I could not read the reports. I will share that later on. Thank you.

STEVE DELBIANCO: Thanks, Imran. And, finally, Marie, thank you for preparing survey responses to the Committee for Overseeing and Implementing Continuous Improvement. We submitted your satisfaction survey results last night, and they're posted on the BC website, as well. There's a notion that it's going to be taken up in Council later this week.

And then, Marie, I'll turn it over to you for anything on CSG.

MARIE PATTULLO: Sure. As you know, the BC lives within the CSG with our two friends, the ISPs and the IP constituencies. And together, we live in another thing called the NCPH, Non-Contracted Party House. And one of the things we're trying to do at the moment is being more friendly with the rest of the house for the simple reason that even if we disagree, deliberately throwing buns at each other is not the best way forward.

And a lot of progress has been made, I would say, in the recent months. We were hoping to have a full day together in Rwanda. It's not going to happen because ICANN have decided that they haven't got enough resources to give us a room. I say that with a slight amount of sarcasm because the Contracted Parties got three days in Paris, and we can't have a room, which is a little irritating.

What we are trying to do in the CSG is take things forward where we can. One of them is to agree a better procedure for how we appoint a Board member because between us in this whole house, we have to appoint one Board member. We keep missing deadlines because no one can ever agree on how to do it, so we're going to try and actually have a procedure. Yay.

And we're also going to be talking about how to improve how the vice-chair of Council is nominated. Now, the vice-chair of Council is not voted for. The chair is. The vice chair is not. They are nominated by the houses. So in our case, by the Non-Contracted Party House.

So that's more or less what we're doing with our friends in the CSG at the moment.

STEVE DELBIANCO:

Any questions for Marie? CSG is meeting with the Board at 4:15 this afternoon. That is it for the policy calendar. Back to you, Mason.

MASON COLE:

Thank you very much, Steve. Any follow-ups or questions for Steve, please? Okay.

Tim, are you ready?

TIM SMITH: I am ready. Can you hear me?

MASON COLE: We can. The floor is yours. And we wish you were here, although we're playing our small violins because you're in Barbados and we're not.

TIM SMITH: Yeah. But, you know, it's busy days here in Barbados, folks, so have pity on me. But I'm sorry that I can't be there with you, for sure. And I'm not that far away, but it seems air travel does create some problems in getting from here to there.

But I know that we're very well represented. The Business Constituency is very well represented in Puerto Rico, so that's great. And it's good to see as many of you as I can on this Zoom call.

So just a few things that have taken place. I know that there was an outreach to Fellows that took place on Sunday morning, and I just wanted to acknowledge that and that that is a good outreach on behalf of the Business Constituency. So thanks to Arinola who was in the room and was part of that. And I believe Lawrence was also there. And Zak was there, and Imran, and perhaps some others as well. So a great opportunity for the Business Constituency to be doing its work and communicating its message. So thank you for your help there. I would have been there had I been on-site.

Just a few things, also, talking about BC representation. We do have new members who have joined us since our last meeting. I believe we have four new members in Saw Technologies, Domain Holdings Group, Domain Summit Ltd. And I believe Helmut is in the room there. And I think Steve Crocker of Edgemoor also joined since our last meeting. So, welcome, everyone who is there.

And I saw just this morning that Titan Research LTD has just been approved and is in the process of being onboard. So good, new membership activity for the Business Constituency.

And thanks to the Credentials Committee for reviewing these new applications and doing it in such a efficient and timely fashion. So thank you for that.

We're also already working on ICANN80 in Kigali, and we're planning an outreach session there. And we'll have, I think, a booth, some setup where people can learn about the work of the Business Constituency. So we're in the process of applying for CROPP funding for that. So continuing our work to grow our ranks and to grow our work.

So not too much else to report. Actually, in the NCPH meeting this morning, there was a pretty good discussion about NomCom activities. And there are currently seven leadership positions that I guess Nominations are open for right now, which close on March 15th. I believe so. So there's some good opportunities there. And you can learn more about that—well, I know that there's a NomCom Wiki. You can also find some links at icannbc.org, which is the Business Constituency's website.

The other thing that I heard this morning that I wasn't familiar with, and maybe you've already had some discussions about it, is that there will be a complete new NomCom next year after the elections. I think all members will be swapped out. And we have two, Vivek and Mia, who are part of our representation. And I believe there will be a completely new group coming in next year. Vivek may want to comment more on that. But I thought that was very interesting, so I just wanted to share that with you.

I guess the only other thing, speaking of elections, we really are only two months away from when we start elections again for the leadership positions of the Business Constituency. That will be, I believe, starting in May. So, just around the corner.

And that's really all that I have to report for you today. And I'll certainly take any questions.

MASON COLE: Thank you, Tim. Questions for Tim, please? All right, Tim. Thank you very much for that report. Feel free to get back to your vacation, and we'll see you in Kigali, if not sooner.

TIM SMITH: For sure.

MASON COLE: All right. Thank you.

TIM SMITH: Thank you.

MASON COLE: Before we move to AOB, Vivek, would you like to address, quickly, the issue on NomCom?

VIVEK GOYAL: Yeah. So as per the new implementations of the NomCom which are going into effect in 2025, one of the Bylaws there was that nobody who has been continuing until now can move over to the next year. And so next year, for the 2025 NomCom, none of the delegates should have served in the previous two years in NomCom.

So there is a lot of discussion going on because this year in NomCom, there are only four of us who have served in the last year. Otherwise, everybody's new. And we see the challenges with that because the process is not simple. Now, if you're going to a model where everybody's new, I mean, the hell is going to break loose.

So while they're trying to do their best and see how they can work it out, but one of the requests that have come down the chain is that whosoever we send to the NomCom should be somebody who has some experience serving in NomCom so that they can use that experience to do a better job, and not to send somebody who's absolutely new to NomCom. So when we are looking at our candidates, we should consider that and see if we can provide the best candidate forward.

MASON COLE:

Thank you, Vivek. So now's the time to start thinking about this. Correct? Yeah, because the BC enjoys a fairly privileged position on the NomCom in that we have two representatives, and we're the only constituency that does. So there's an opportunity to fill both the small business seat and the large business seat. Vivek handles the small business seat, and Mia Brickhouse the large business seat. And we're going to need two new representatives.

So if this is something that you're interested in, I encourage you to speak to Vivek about what's involved.

Questions for Vivek on NomCom? Okay.

Any other business for the BC while we're here in San Juan? Yeah, Lawrence.

LAWRENCE OLAWALE-ROBERTS: Thank you. I just wanted to draw attention to the beautiful job that Tim has done with regards to the ICANN79 newsletter. It's already up on the BC's website, and [inaudible] want to encourage members to take a read and also to share within your communities. But thanks, Tim, for a wonderful job. It definitely gave it a different feel, and it was time well spent. Thank you.

MASON COLE:

Thank you, Lawrence. Well done, Tim. Thank you very much for your hard work.

TIM SMITH: Thanks. I should have mentioned that. So thanks to Lawrence for jumping in on that. I appreciate it.

MASON COLE: All right. Other business for the BC, please? Margie.

MARGIE MILAM: I haven't been able to attend all these sessions, but I thought there was an update on PPSAI. Does anyone know what the update was? And I thought they were going to reform a group that looked at it, but I believe our representative was Alex Deacon, who no longer is a member of the BC. So just wondering what we're going to do for his spot.

STEVE DELBIANCO: Thanks, Margie. Gabe Andrews suggested that he detected a thawing of the freeze on PPSAI. And certainly, the conversations we had about the number of privacy proxy disclosures that are showing up in RDRS should help to drive that. But I've not seen any evidence that there's an actual formal process. I will ask about it. I'll ask Council. Do you have any specific information?

MARGIE MILAM: In the GAC session, they actually had a document up. It looked like a fairly long document, so I think there's something they must have published very recently. So if anyone has a copy of it, it would be great if they could share it with the BC.

BARTLETT CLELAND: I don't have a copy, but I think they said it came out literally last night.

MASON COLE: Thanks, Bartlett. Okay. Yes. Go ahead, Chris.

CHRIS LEWIS-EVANS: Yes, sorry. This is just a bit of prior knowledge on that. The GAC had put in their communiqué that the Board was to review the PPSAI and report. So they have a review of everything that's outstanding, and it was not being taken forward because it was low priority. And the GAC had put in their communiqué that it was a high priority for them and it should be reviewed. So I think that's where some of this thawing has come from, because the GAC is kicking it quite hard.

MASON COLE: Good to have the GAC behind you when it's a priority. Okay. Any other business, folks, before we adjourn?

All right. Good meeting. Thank you, everyone. And thank you to Melissa and Devan for their support today. BC is adjourned. You can stop the recording. Thanks, everyone.

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