
ICANN79 | CF – Joint Session: ICANN Board and CPH
Tuesday, March 5, 2024 – 10:30 to 12:00 SJU

FRANCO CARRASCO: Hello, my name is Franco Carrasco and I am the participation manager for this session. Welcome to the joint session between the ICANN Board and the Contracted Party House. Please note that this session is being recorded and follows the ICANN expected standards of behavior.

Interpretation for this session will include today English, French, Spanish, Chinese, Russian, and Arabic. Please remember to state your name for the record and the language that you will speak, if speaking a language other than English. Please also remember to speak at a reasonable pace. The discussion today is between the ICANN Board and the CPH. Therefore, we will not be taking questions from the audience. However, all are welcome to use the chat. Please note that private chats are only possible among panelists in the Zoom webinar format. Any message sent by a panelist or a standard attendee to another standard attendee will also be seen by the session's host, co-host, and other panelists.

Having said that, I will now hand the floor over to the ICANN Board chair, Tripti Sinha.

TRIPTI SINHA: Thank you, Franco. Welcome, everyone, to the joint meeting of the Contracted Party House and the Board. We've had a back-and-forth

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with questions, and I'm looking forward to a very vibrant and honest and candid discussion.

And Becky is going to chair this session, so I'll turn it over to her. Becky?

BECKY BURR:

Thanks very much and welcome. This is always one of my highlights of the week of Constituency Day that's now last week. Before I hand this over to the people who are really in charge, Ashley and our fearless registry leader, I just wanted to take a moment to ask Sajid to introduce himself. He's relatively new to the Board. I don't think many of the contracted parties have had an opportunity to meet him. Sajid, please.

SAJID RAHMAN:

Thanks, Becky. Thank you. I'm a finance guy, so I spent years building banking businesses in different markets in different continents, in Africa and Asia. Then I spent time building healthcare business, digital health, which currently serves 5 million people. Then I went on and built renewable energy infrastructure projects. First time, [it was] large-scale wind power projects, solar projects, et cetera. Now I run a venture capital fund, investing in technology companies, mostly late-stage to mid-stage technology companies in the US and Asia.

Other than that, besides ICANN, I'm on the board of a bank, some technology companies, some other private funds. Thank you.

BECKY BURR:

Thanks, Sajid. He brings a wealth of expertise to the Board that's quite valuable.

So I am going to turn it over to you guys because I understand we're going to start with your questions.

ASHLEY HEINEMAN:

Hello, Ashley Heineman here, Chair of the Registrar Stakeholder Group. As usual, again, we really appreciate these opportunities as well and look forward to having the conversation, but I will go ahead and turn it over to Sam.

SAM DEMETRIOU:

Thanks very much, Ashley. This is Sam Demetrious, chair of the Registry Stakeholder Group. So we received the question from the Board and in keeping with what we think worked very well last time we met in Hamburg for ICANN 78, we've also proposed a number of topics rather than specific questions for the Board to answer. Some topics that are of interest this week have been of interest and discussion in the ICANN community for some time now. And because these are by and large topics that have been of a high level of importance to the community, we think that they map nicely onto the question that the Board had asked about what will some topics be looking three to five years ahead that we should be keeping in mind for the development of the next strategic plan? So we'll do our best to be tying these topics into that question and putting them into that context for the Board's consideration of those points as well.

So you see the topics here on the slide behind me and in front. I don't know that any of them needs any further introduction than the folks who are going to be addressing them. So unless there's questions about

the agenda, we'll go ahead and just dive right in with number one, I think.

And so for DNS abuse amendments and next steps, we're turning it to Owen Smigelski from the registrars to kick us off.

OWEN SMIGELSKI:

Thank you, Sam. This is Owen Smigelski. I'm Vice-Chair of the Registrar Stakeholder Group from the registrar Namecheap, and I was also co-lead of the Registrar Stakeholder Group negotiation team for the DNS abuse amendments. So at least us and the contracted parties are looking forward to these amendments, which are effective April 5. So there's been a bunch of work for us to get ready for those and prepare some coordination with ICANN Compliance. They'll be coming to the Registrar Stakeholder Group session today to kind of discuss how they're going to be approaching it with us. Also, we're looking forward to see how they can approach it with the registrars and registries that may not be as fully participating and engaged in the ICANN world, because that was the intent: to raise the floor so that all registrars and registries have to respond to baseline types of abuse as defined in the contracts: malware, botnets, phishing, et cetera.

So we're looking forward to that. And then also, personally as a registrar, I'm looking forward to being able to use web forms instead of having to accept email abuse complaints because boy, you get a lot of junk with those. Sometimes it's just "Please take down this website" and that's it. So it'll be good to improve that, which I think should allow registrars to be more effective in responding to abuse complaints.

I think looking forward in the future, we want to see what these amendments do, what are the types of data that we can get out of it. I know ICANN has the DAAR, which I'm getting renamed ... And I don't remember it off the top of my head what the new name is.

SALLY COSTERTON: Domain Metrica.

OWEN SMIGELSKI: That's right.

SALLY COSTERTON: I think there's a definite improvement.

OWEN SMIGELSKI: Yes. [inaudible] don't remember it quite yet. So looking forward for that as well as the metrics from ICANN Compliance. So I understand that they are doing some significant updates to their systems as well too, to improve their capturing data. So we're looking forward to that, so that we can then use that data moving forward to see what our next steps are, what does this do to DNS abuse, and does it move the needle and what other things are there?

So I think I'll kind of pause there. I don't know, Chris, if you had anything else to do. Chris is from the registry side.

CHRIS CHAPMAN: Thanks, Owen. Just to give you a brief update on some stuff that we've been doing. The CPH DNS Abuse Working Group has started a series of

outreach meetings with the IPC, the BC and so on. And those meetings have been pretty good so far and have indicated a willingness from the other bits of the GNSO to keep talking and cooperating.

And so we're at the stage now of considering whether we should be appointing/having a point person. The BC says our point person on DNS abuse is X, and so on and so forth. So that's looking at improving communication in the GNSO. But also very much we're very keen to improve communication with Compliance so that we have regular contact meetings with Compliance at ICANN meetings or wherever where we can talk about what's happening—so not just publishing a bunch of numbers on a flat piece of paper, but actually have conversations that talk about bulk registrations, what are you doing with the data, can you see that this registrar is a real problem, that this registry is a real problem? And so on. So we're hopeful that all of this stuff will flow from the amendments, but it's not going to flow from the amendments automatically. There needs to be a willingness on everyone's part, including Compliance, to actually come to the table, sit down, talk. And not that I'm suggesting there isn't, but that's a key point. Thanks.

BECKY BURR:

Great. Thank you. Jim's going to kick this off from the Board side, and then we'll just open it up to conversation.

JIM GALVIN:

Thank you. Thank you very much to Owen and Chris. First, on behalf of the Board, let me share in your excitement. We're all excited to be here.

This is a great meeting. And the acknowledgement of the achievement in having gotten the DNS abuse amendments between ICANN Org and the contracted parties—we recognize that this really is a big achievement. It changes the state of DNS abuse from the point of view of the community at large and others. And we're very happy about all of that and look forward to what comes from it.

It is important, as you have said ... We'll also acknowledge that we need to give these things a chance to be implemented and to understand them. In fact, you kind of stole away a little bit of thunder here because I was going to end by saying that we'd like to turn it around a little bit and understand from you what the next steps are. What are you going to be doing (you, the contracted parties) to participate in continued efforts to move these things along, and you've both very articulately gotten in front of that question and provided a response and indicated where you're going. And we think that that's great. That's very important.

Registrars, what I heard was registrars will be working directly with Compliance to understand how that relationship is going to work and what that's going to look like. Chris was talking about registries doing the same thing, working with Compliance to understand their role and what it's all going to look like and, of course, in general, just the future of what is DNS abuse and what it is not. And so I appreciate Chris's reference to outreach with all the various stakeholders in the community to continue that dialogue and continue the understanding.

So I think that might be really the end of this conversation unless you have more that you want to add about where things are. Just thank you

very much. The Board is excited by it and we're looking forward to continued discussions.

Oh, I know. I've remembered. Sorry, one last thing. We are looking forward to continued work within the Small Team, the GNSO Council—some work going from that side. So if there's more advice and commentary to be provided to the Board about how things are progressing, we'd very much like to hear that and understand that, too. So we should be on your outreach list through that small team and the council. Thanks.

BECKY BURR:

Thanks, Jim. I just want to add one thought here. As I've gone through the week, talking, meeting with registries and registrars, I've heard a lot about things that they're doing, trying, experimenting with on the DNS abuse stuff, not necessarily coming out of the amendments, but just really business practices. And there are things that the Board isn't aware of, and I've heard a couple of suggestions. I don't know if they're public, so I'm not going to describe them, but they're very interesting, very exciting, and I think it would be really good for us to figure out a way to make sure we're learning about what you're learning about best practices outside of the requirements—not just the Board, but I think the whole community. So when Chris talks about communications and the interactions that you're having with the stakeholder groups, that's fantastic. But could you add the Board as one of those? Thanks.

SAM DEMETRIOU: I'm so sorry, I'm checking the Zoom and I didn't have the queue open, but Greg?

GREG DIBIASE: Thanks. Just a response on the Small Team's question. The GNSO Small Team on Abuse is currently paused, pending outputs and metrics from both the Compliance amendments, as well as some of the meetings that are happening between the CPH Abuse Small Team and the community. So we found, when looking at whether policy can address issues, the more data, the better. This is especially relevant data, given how impactful we think these amendments might be. So the idea is to gather data from the results of the amendments, as well as feedback we're getting through these outreach sessions, and try to go from there.

SAM DEMETRIOU: Thanks very much, Greg. This is Sam again. And just to add to that, to your point, Becky, about keeping the Board involved, at the end of the CP Summit in May, there will be a dedicated working day on the topic of DNS abuse. I anticipate that there are going to be some really great discussions in line with the kind of questions you were asking in the topics that you had said that the Board would be interested in learning more about. So I think as far as the Board will be around and present in Paris for the summit, we'd invite Board members to stay for those as well. I think those will be really robust conversations.

BECKY BURR: These meetings are going more quickly. It's an interesting thing to note.

Let's move to NIS 2.

SAM DEMETRIOU: I'm just still sitting here marveling that Jim thinks we're done talking about DNS abuse. So, hey, look at us.

[CHRIS CHAPMAN]: [inaudible] this morning.

SAM DEMETRIOU: Yeah. I'm teasing. I'm teasing. Okay, the next topic is about NIS 2 and a question that I understand the Board has had for other groups in the community, and for that one, Beth Bacon will be leading us.

BETH BACON: Thanks so much. I think that these have been progressively more fruitful conversations, so it's really nice that we're doing this discussion. Can we hear me? No. Becky says no. So I'm happy that we're doing these. I think these have been really great exchanges. I like these topic-based discussions because I think we get to get a little more information out of each other.

We also understand there's been questions about what NIS 2 means for ICANN and then contracted parties in particular. This conversation has happened within the GNSO and then also some other topic areas. From the contracted parties' perspective, NIS 2, unlike GDPR, doesn't present any conflict between our contractual requirements and the legislation. GDPR, as we know, was the impetus for the EPDP, the registration data

policy that came out on 21 February. So those are different paths, we think.

In addition, maybe just take a moment to thank the entire community and their contributions to the work at that EPDP, because now we have this new policy that is flexible and can grow with legislation as it arrives like NIS 2. We do think that NIS 2 allows contracted parties the flexibility to comply with the jurisdiction and their business models as is necessary.

So we just wanted to maybe set that baseline and then see if ICANN had any questions, thoughts or feelings.

UNIDENTIFIED MALE:

This is a reminder for our panelists to please speak at a reasonable pace for our interpreters. Thank you.

BECKY BURR:

Thank you. So let me just put the question in context. You, I'm sure, have heard that this issue has come up, and we've had assertions that NIS 2 is in conflict with some kind of ICANN policy and requires registries and registrars to do something different than they are required or permitted to do under the agreements and consensus policy.

To be clear, we have not identified any such conflict, but the issues have been persistent, and so we put that on the agenda for our discussions with some of the stakeholder groups, because if we're missing something, we want to know about it. And a conversation like this is a much more conducive way to sort of dig into the weeds on that than a

conversation in the public forum where you have two minutes and you can't really do that. So it was out of a desire to really understand where the concerns are coming from, not because we have identified any conflict.

As I think our question said, we do understand that there are places where sort of collective action on things like registration, data [and] accuracy could be interesting and enlightening, but even there, there's no obligation for the European regulators to accept anything that comes out of it. They are paying attention to multistakeholder work, and that's fine. To the extent that there are things where the community thinks it would be useful and fruitful to work together, that's fine. But as I said, we haven't identified a conflict.

SAM DEMETRIOU:

Sorry, Ashley, do you want to go ahead?

BETH BACON:

Thanks, Becky. I think we are on that same page. We haven't identified anything that is currently a conflict. We acknowledge that member states are still kind of doing that transition into their local law. And again, if you look at the section of NIS 2 Article 28 that is applicable to registries and registrars, depending upon what your lawyer says (I'm not anyone's lawyer)[,] there is an acknowledgment and acceptance of the multistakeholder process that we are collaborating and cooperating on these things. So I think that that can continue.

To the extent that there is a lot of work already and policies and practices in place, I think the registrars especially have done some

really great work outlining the work they already do on those issues[.] And noting that we have the tools in place, I think and agree that we haven't identified a conflict where we would need future policy work on this. Thanks.

ASHLEY HEINEMAN:

Thanks. And just for the record, the last speaker was Beth Bacon, not Ashley Heineman. It was captured as Ashley Heineman in the transcripts.

Yeah, just a little bit of extra flavor from the registrar perspective in particular. So we fully understand and appreciate that right now it's a directive and that our opinion is based off of the language and the directive and understand that, as member states implement, there is the potential that there will be additional requirements. And we believe that our contracts with ICANN don't prevent us from doing more if we need to. So that's to clarify why we think there's no conflict: there's nothing in our contract that we're aware of at this point in time that will prevent us doing more if that is proven to be necessary.

Also, just wanted to bring to your attention that the Registrar Stakeholder Group sent a communication to the group charged with kind of harmonizing what happens on this particular article. And we did a side-by-side articulating or identifying what is NIS 2, and then right next to it what is currently required of us in our contracts. So we've already done kind of the side-by-side showing that at least as of now in the directive, we are responsive to what NIS 2 is asking for in terms of registration data. So, happy to share that with you if you haven't seen it, but just wanted to make sure you were aware. Thanks.

SAM DEMETRIOU: Thanks very much for that input and good discussion. I think if there are no other questions or follow-up on this two, we can move on to the third item, which is Ashley is going to lead us on RDRS experiences and expectations.

ASHLEY HEINEMAN: That was fast. We're just cranking through this agenda. I thought it'd be a while. There's been a lot of attention on RDRS, which we all understand is a pilot for how to, hopefully, streamline the process by which people are able to request access to registrant data. And right now it's open to registrar voluntary participation. I don't recall off the top of my head how many registrars are participating, but I do know that the percentage of DUMs that are covered are approaching 60%. So that's a pretty good chunk of what's out there for a pilot.

But we do note that there is a need to get more registrars on Board. We're working with the community to identify what would be the best targets to approach in terms of encouraging their participation, but it is voluntary. In the registrar community, we're really working hard to gather our experiences, to identify areas of improvement, and we are working within the standing committee to gather this and identify these areas.

And just want to note that there's been a lot of, I think ... I won't say emotion, but a lot of reaction to the requesters experiences to date. And I think one of our missions here is to say it's premature at this point to draw any hard and fast conclusions because I think we're all still in the learning process, so we're trying to be as positive as we can and encouraging folks to not be quick to say that this is a failure or that this

is not working, because the whole point is to identify what is working and not working.

I will say that this is extra work for registrars. We have identified some areas that we think are really helpful as a system. I think I've said this at the last meeting that we have quite frankly been surprised at the quality of the system that was developed. That's not a knock against ICANN. But I think this was a good example of us working collaboratively at the beginning of development to make sure that it was a good system. And there are still areas for improvement. But I think overall we have been pleasantly surprised.

And with that we also have some concerns over the expectations of this system. And what we've heard a lot this week is frustration from the requester community that they're not getting the data that they've requested. And I understand that frustration, but that's not the point of the pilot. And again, I would hate to see people conflate the success of the system based on their ability to get access to the data because I think through this process we can find ways to continue to streamline and perhaps see an uptick in approvals of getting access to this data. And in fact, it was brought to my attention that we actually have seen an uptick. Since January, there's been about a 10% increase in approvals as opposed to rejections.

But at the end of the day, again, we're focusing on the usage of this system, we're identifying areas for improvement, and I know that, from the registrar perspective, we are doing our best to participate in a constructive manner. And we hope that will be pervasive amongst the community and the requesters as well. Thanks.

ASHLEY HEINEMAN:

So I'll kick this off from the Board side. As of Friday, it was 77 registrars are participating, and I think that was up from the Board materials we got the day before. So participation is increasing. And I've been monitoring the small team, and it is working really hard and collaboratively, I think. And we're quite interested in understanding the experience and ways that we can iterate to improve, both from the registrar side and from the user requester side. And I think our view was that there was always intended to be some iteration in this process.

I think one area where the Board has expressed interest is in sort of the more granular views of the data in the reports that's coming out. There's a fair amount of work involved in that, but I think we could get a better understanding of what's going on, a more granular understanding of what's going on. And that would be quite useful. I saw, because the data is available, there are people in the community who've taken it and done very interesting graphical analyses that are extraordinarily informative. So I think there's value in just having that data out in the community so that other clever people can look at it and analyze it. And there's one LEA person who I'm sure you guys will speak with about the analysis he's done that's extremely interesting. It shows what percentage of the requests are being rejected because they're asking for a ccTLD as opposed to participating at gTLD and that kind of stuff.

One thing that of course we really haven't worked through ... And the RDRS was not designed to do this, but it has really raised the focus on the extent of privacy and proxy registrations. And we think this is a

voluntary, experimental thing. We don't want to load it up with things that will make it too complicated for us to gather the data that we're looking at or too burdensome. But you just should understand that we're gaining a new awareness about the extent to which registrations are privacy- and proxy-protected, and therefore the data is not going to be available in this system as it currently stands.

Other people on the Board or otherwise have comments? Danko?

DANKO JEVTOVIC:

Thank you. I have a question because we at the Board workshop tried to look into the reasons why some of the registrars are not in the system. And obviously one of the reasons is that it takes effort and money to integrate in your processes.

So in a way, my question is how much of that is impaired by the fact that this is a trial temporary system? So maybe some of the registrars are not willing to invest in something that they don't see lasting value out of. And what we can do to help? Because I think it's all of our interest to have more registrars in the system.

ASHLEY HEINEMAN:

Thanks. So, we're doing our best to reach out to registrars. But as noted, this is a voluntary system and I don't know many companies who are eager to jump in and ask for more work. But we do have, I think, more than even we expected, participating early on. But we do have some work ahead of us to get more engaged. And I think at the end of the day, we're basically having to do the job twice to participate in the pilot.

So I'm not sure that the Board can do anything. I think it's more on us just to encourage people to think longer-term. I know from GoDaddy's experience, we see this as potentially a real streamlining potential. And even potentially for some smaller registrars, having one central input like this could be very effective from a resource angle at their companies.

So we're trying to figure out ways to continue encouraging, but that is an issue that we're facing. Thanks.

BECKY BURR:

Sarah and then Sally.

SARAH DEUTSCH:

I think I've stolen your microphone or one of them. Okay, perfect. So I would just, I guess, be curious to know, since the objective is for this to be streamlined and to be a success, if you're seeing anything in these early days that could make the system more effective. So, for example, one of the fields "needs more information," but then the requester may not know what information is needed. So are there any kind of low-hanging fruit that you've identified thus far that could be remediated?

ASHLEY HEINEMAN:

Absolutely. I can't go through all of them because I don't have access to that, but one example is exactly that. It would be helpful if the system was developed in a way that it's very clear as to what is required information, and if that information is not provided, it doesn't go through. So we kind of save a step there, rather than the registrar having

to continually go back and ask for that information. It would be more upfront. I think it's also been identified by the requester community that it would be very helpful if they got more feedback as well as to why in particular a request for data was rejected. So definite areas of improvement there.

And I think one thing that we've identified for both DNS abuse reports as well as RDRS is that we as a community can do a better job educating the requesters as to what information is needed. We've provided this in documentation, but it's become clear to us that it's not being read. So we just need to sit down and walk through it. I think that would be a helpful way to move. Thanks.

SALLY COSTERTON:

Thank you. I just wanted to add a little bit to what Ashley was saying about two things. One is the requested demand and this whole area of understanding more about what people are asking for and where is there a gap between what they want and what the registrar might want to give them, which is, of course, the purpose of the platform in the first place. So we are reaching out as far and wide as we can within the staff team around the world to atypical requesters. We're trying to be as creative as we possibly can to spread the word to people saying, "Please come and tell us. Use the system," which is exactly what you had just been saying.

And one of the things that we discovered is that ... You put it so well. You said there's a risk that people will think that it's actually about them getting to the data that they asked for instead of participating in an experiment, a pilot. And we've really discovered ... I wanted to reinforce

this because I hope that it's helpful for the group. It's very, very important that we use the right language when we're asking people to participate. And we are using the word “experiment.” You could use the word “pilot,” but “experiment” is the one we found is resonating the best, because that has got us the best conversion to people coming into the site because once if you tell somebody it's an experiment, “We really would love you to tell us what you need. So test it, try it, feed it back to us. We will change and we will iterate,” that is much more effective.

And I just share that, and I know you're not reaching out to the requesters directly to make them participate, but it's absolutely in the spirit of what you were talking about, Ashley: that we're really clear about the language. So that was something I just want to share back. So we are going to lean into that language around experiment in order to be more successful at bringing more potential requesters on, because otherwise, what we've discovered, which you've already referred to (and we've seen this a lot) is people will go into the system and they'll say, “[Wouldn't you ask] me to use this system?” and it doesn't work. And now you're driving me crazy because I'm applying for all these things and it just doesn't work.

So this is really, really important that we steer it through the right gates at this stage, because you're absolutely right. If we don't, there's a greater risk that people will just go, “Well, this just doesn't work. Like, why is ICANN doing this? This is silly.” So I really wanted to reinforce that, but we've got that feedback.

The other thing I wanted to share was what you said (just to put a little bit more flesh on it) about iterating the platform itself as we go along.

And that's already happening, and that will continue to happen. So that's our ENIT team, as well as our contracted party, our other staff groups that you're more familiar with working with. And I know I've had very good feedback at this meeting from some of the members of the community who are working on the team that are working with you, with the project, that they feel very supported in that and that they want that to continue.

So I wanted to give you our reassurance because if we're collecting that feedback, what we're not actually reflecting into the way the platform is working ... the experiment's not going to work. But I just wanted to make that point. Thank you. I hope that's helpful.

ASHLEY HEINEMAN:

Greg?

GREG DIBIASE:

Thanks. And I think picking up on something you said, Ashley, and related to something Becky said, I just want to stay mindful of not conflating the issue of room for improvement for the RDRS and room for improvement over existing policy on how data can be disclosed. The RDRS is not creating the circumstances under which data can be disclosed. That's a different policy. And if this pilot shows that the community wants to work further there, that's an output. But that's not a, quote, failing of the RDRS. The RDRS is the system that is facilitating communication. So I think that's just an important note to be mindful of when we're thinking about this: the policy under which request data can be disclosed is something different than what the RDRS is.

ASHLEY HEINEMAN: Sorry, Jim, go ahead.

JIM GALVIN: No worries. Thank you. In listening, especially to Greg's last comment there and listening to some of the other comments, I want to bring back to the frontier the purpose of the RDRS and why it exists. And I think it's important to remind ourselves that it's a pilot, as we've said, but it's a pilot for the purpose of informing the Board's consideration on the SSAD consensus policy recommendations. So depending on what you want to happen with the SSAD, depending on what you would like the outcomes to be in terms of where it goes and implementation requirements for it, that's the purpose of participation in this pilot service and what we need, and it's important to keep that in mind. So, as Greg was just saying, if the emphasis is on disclosure, then it's important to make that visible, and this is an opportunity to do that.

The second thing that I would add is, just as was mentioned with DNS abuse before, we are all paying attention to the metrics, and the Board, as Becky said, is very interested in a good deal more information about what those metrics mean and the usage reports that we're seeing. We are looking for greater granularity in the data that's there and would certainly appreciate from the community If you have any other additional insights on what you would like to see in these reports, we'd like to hear that, too, and understand that, especially if that might mean changes in the RDRS that we want to get sooner rather than later. It's useful to understand what you think would be valuable information so

that we can consider that and work with Sally and the team to make that happen, because we all want to see success.

We have to figure out what that success is. We won't know until we have data to look at, and then we'll see what the data tells us and decide what to do at the end of a year or two years. Right now it's targeted for up to two years, up to November of 2025. Anything can happen between then and now. So please help us in getting the data that we need so that we can make an informed decision. Thanks.

BECKY BURR:

So I just would be remiss if I didn't comment on your comment on being surprisingly pleased about the functionality of the system. I do think everybody should be complimented. Implementation is hard at ICANN. It was a very collaborative and pretty quick-moving effort. Took a lot of time. People were really invested and spent time and worked on it that helped the ICANN engineering team to put together a system that worked and didn't produce surprises or have deficiencies that people were uncomfortable with. So congratulations to all of us for having a successful implementation that was the product of cross-community collaboration.

GREG DIBIASE:

Thanks. Just real quickly on that point, I wanted to note that another success is that, to Jim's point, we remember one of the original issues was there wasn't a centralized place to make request, right? And now there's a centralized place for a lot of registrars, and even for the ones that aren't in the system, there's a form that they can download and

send to the appropriate registrar. And so that's just a problem that was highlighted and is addressed. So it's important to remember the wins, too.

SAM DEMETRIOU:

Thanks very much everyone. Thanks for the great contributions and follow-up questions on that topic.

Before we move on to the last item, I am cognizant that we did promise to tie these topics back to the Board's question about the strategic plan, and we're three out of four and we haven't done that yet. So I wanted to attempt to kind of put this into the context of planning for ICANN's future and looking ahead to the next strategic plan.

And as we look across DNS abuse, access to registration data, the quality of registration data, and also the NIS 2 Directive, I think the connecting theme through all of these is that in addition to being topics that have been important at ICANN, these are also topics that we understand have become very important to governments around the world. And I think one of the hallmarks of the last few years here within the ICANN community has been grappling with the pressures that governments around the world have been putting on our model and our policy development space, and kind of some of the overlaps that we've seen between what governments are attempting to legislate on and what we do here and the topics we try to solve and the problems we try to tackle here within the ICANN space.

And as we have had more experience talking to members of government in terms of interacting with our GAC members who are here

within the community, we understand that in a lot of these cases, the government's goals here are protecting their citizens, ensuring the safety of their citizens online. And often that is a factor that motivates their interest in some of these topics.

And so when we think about this in terms of the future of ICANN in the context of strategic planning, I think a question for us all as a community and for ICANN and the Board to consider is how ICANN can effectively communicate to and educate governments about the technical infrastructure layer of the Internet and how it can be used to support those underlying goals, but also what its limitations are in terms of solving some of the problems that governments are grappling with.

And so I know that there are a lot of touch points between ICANN and governments. We obviously have the GAC here within the community, and ICANN does a lot of other engagement and outreach. And I think the addition of the geopolitical and legislative updates into this community as part of ICANN meetings has been a really positive development.

But I also think that this goes beyond just engagements with governments and also can be something that ICANN considers in its engagement with other Internet governance settings and forums and kind of contextualizing ICANN and the Internet infrastructure layer within those settings in a way that kind of supports the larger goals here and puts it into context for governments who may be observing those settings as well.

So that's just something for the Board to kind of take into consideration as you're thinking through this question and hopefully something that does tie back to the question that you asked.

BECKY BURR:

Thank you. And you are right. This is definitely on our strategic planning workshop and of course, our work stream, and of course, the entire community is going to be involved in that process. But I think putting a sharp focus on what ICANN's role with respect to education about how the system works and what it can and cannot do ... I think that last gloss is an interesting gloss that we probably haven't articulated before. So it's very helpful.

SAM DEMETRIOU:

Thank you. So the last topic that we have set up for the Board here is about statement-of-interest, transparency. And this is really just to follow up on the conversation that we started with the Board on this matter in Hamburg at ICANN 78.

During that discussion, just to briefly recap, the contracted parties communicated that this is an issue of pretty high importance to us. It's something that we care a great deal about and it's something that we're continuing to be interested in, even as there may be an open question about what the future of work on this topic may look like.

We had a very, I would say, positive and productive meeting with the GAC yesterday. We understand that this is also an area of interest for them. And during that discussion, they let us know that they had sent the Board a letter. I think it was just last week. We hadn't had a chance to review it prior to the meeting. And I assume that you guys have been

a little bit busy. You have not had time to formulate a full response to that letter. But I think it asks an interesting question and it poses a lot of interesting views here.

So to follow up on our last conversation, we just wanted to ask if the Board has been considering this topic in any of its workshops between Hamburg and now, and if there's anything else you can share with us today about some of your thinking around this, understanding that we'll be looking forward to reading the Board's response to the letter down the line.

TRIPTI SINHA:

Thank you, Sam, for the question. So this is a very important topic, and the Board has started discussions on this topic, and we are very happy to know that the contracted parties are paying very close attention to this. And you mentioned earlier about the governments looking at us and so forth. This is actually the foundation of the MSM model, the multistakeholder model. It stands up on ethics and high ethics and accountability. And so it's extremely important that we all fully disclose where we come from, what we do, who we represent, and [that] it informs our decision making, it informs our policy making platform, and [that] it actually lends itself to better policy in the end, you're not conjecturing and trying to guess where people are coming from and what's the provenance of their position and posturing, and it actually bolsters the multistakeholder model. And in today's climate, where there's a desire to redefine the paradigm towards multilateralism, I think we need to actually embrace this.

So we are very happy that you're looking at this. We ourselves inside the Board are looking to see how we can build policy to ensure that this happens and that these full disclosures and statements of interests are transparent.

So I hope that responds to your question. And if my colleagues on the Board would like to add to this, please do so.

BECKY BURR:

As Tripti said, we have actually started a conversation on the need for a broader ethics policy. So this is in very early stages, but I think we are very focused on the question, not just because the GAC has brought it to attention. It's something that the Board has independently focused on, and so we're looking at what it is we can do to move the ball forward.

Edmon? Yeah, hop up on stage.

EDMON CHUNG:

I wish I can. My leg is not that good. So I guess as one of the Board members with the longest statement of interest, this is a topic that I think is really important. And I think, as Tripti and Becky mentioned, it is a broader thing.

But I did want to add one point. I think the Board has some discussion about it. And this is not about what the bylaw says. As Tripti mentioned, it is about the basic, fundamental part of the multistakeholder model. So I think we should take away this rhetoric about the bylaws and focus

on how the community can actually come together to make this work better.

So as the Board looks into it, I guess we do observe that. Obviously there was a lot of discussion at the GNSO, and unfortunately, it didn't amount to anything. The Board, of course, doesn't have a position yet, but in some ways, this doesn't seem like it's something that would be directed by the Board. It still needs the community to come from bottom-up.

So the question then is, how do we take the next few steps? And there, I guess we're also still looking back, not trying to throw the ball back at you, but we're still looking for ideas how we take the community along. You have had the discussion at the GNSO. You probably see what the pushbacks are, and you would probably give us good guidance on how to move this forward as well.

So, again, not trying to throw the ball back at you, but we need the input so that we can do it the right way. And again, this is very fundamental for the multi stakeholder model, I think.

SAM DEMETRIOU: Thanks very much, Edmon Chris wanted to get in the queue. Chris?

CHRIS CHAPMAN: What was going to be quite short may be slightly longer now, because I want to respectfully disagree with Edmon. It is a bylaw issue, inasmuch as the position that the CPH takes and that I think the GAC takes and that I think the At-Large takes is that the interpretation of the bylaw the

existing bylaw makes it clear that you should, in, fact, disclose—I'm going to keep it very simple—the people for whom you are acting, if you are a law firm, or whatever it may be. It's something which I think has fallen through the cracks. I'm reminded of all the work we did in the transition when people just turned up. People we had never seen before turned up at ICANN and were welcomed into the multistakeholder model and contributed towards the model that we used for the transition. And it hadn't occurred to me that I didn't know who they were representing because I just assumed at the time that they were representing themselves.

It is inconceivable to me that we would be entering into the next stage of the new gTLD process, where serious decisions that affect the future of not just ICANN but the domain namespace and new gTLDs are going to be taken, in an environment where we do not know for whom some of our representatives are acting. It just doesn't make sense to me.

And I think it is incumbent on the Board to, at the very least, provide clear guidance as to how that bylaw should be interpreted so that the GNSO can insist upon it being interpreted in that way, and so can all the other SOs and ACs. And I appreciate that that's a step that you're going to need to consider very carefully, but I just think it's the Board's responsibility to provide that guidance. And asking the GNSO to solve the problem isn't going to work because the GNSO hasn't been able to solve the problem up until now. This is not a problem that needs to be solved by consensus. This is a problem that needs to be solved by giving clear guidance that this is how the bylaw should be interpreted. End of story. Thank you.

TRIPTI SINHA: Chris, as Becky mentioned earlier, the Board is indeed looking at an ethics policy. So thank you.

SAM DEMETRIOU: All right. Thank you very much. Again, I think that was a good discussion. I think we're all very much aligned on the principle here, and so we appreciate the updates. We're definitely going to be looking forward to reviewing the ethics policy. And agreeing with what Chris said and also noting that to the extent that the community does need to step up to the plate in some way, down the line, we will be very supportive of and very active in that process, whatever it may look like as well. So just to kind of put a cap on that. Ashley?

ASHLEY HEINEMAN: Yes, I put this in the chat as well, but we need to look at this as a community-wide issue and not a GNSO issue.

SAM DEMETRIOU: Okay. We're running quite a bit ahead of our time. Are there any other topics that the Board would like to cover or any questions that the Board has for the contracted parties?

BECKY BURR: These sessions have been going very smoothly, I guess. And I guess it's a good sign. We are exchanging ideas. There's a lot of alignment, and

interestingly, that's been across the community, so I think that's a good sign.

One of the questions we had ... We've received pretty positive feedback on the engagement session experiment that the Board conducted in prep week. Not universal happiness about when it occurred, although some people just felt like prep week was too crammed full of stuff. And also there were some comments to the effect that there were topics where people wanted to be in two of the three rooms, and because they were occurring at the same time, that couldn't do that. And obviously, it was a first time out of the box. So for those of you who noticed the glitch when we couldn't get into the rooms at the beginning, that's the kind of thing that happens the first time, shouldn't happen the second time.

But if anybody has other input about that or any other forms of engagement, Katrina's out in the audience here, and she is our engagement guru. She shepherded this. She's very engaging and engaged. There's no doubt about it. But we would very much like to hear about that. We've been trying for a long time. In this group, we've been talking about better ways of engaging, better ways of interacting, less scripted, more free-flowing conversations. So we don't consider the work as complete. But if you have feedback on that approach or on other things, we'd be interested in hearing that.

SAM DEMETRIOU:

Karen?

KAREN DAY:

Thank you, Sam. I just wanted to say how much I appreciated the effort at having those sessions. And I would like to encourage the Board, because of the technical difficulties we had and some other glitches, to continue the conversations, especially on the sustainability section, which was the section that I was in, because it felt like to several of us that were in that session, that, because we were so rushed to get in when Sally finally got in the room ([inaudible]) perhaps we didn't do the proper level-set of what the topic was because it was made clear in the room ... Some of us, quite a few of us, understood that a certain aspect of sustainability was not on the table for discussion. So we didn't raise it. But then when we came back together as the big group, at the end, someone said, "And nobody raised this, so they must not be concerned about it." And we were like, "Wait a minute, we didn't raise it because we were told it was not on the table."

So continue those things. They're good. But yeah, with the technical issues that we had in this first round and trying to figure things out, I just wanted to say that those particular three topics still should be in play. Thanks.

SALLY COSTERTON:

Sorry, I'm in trouble because I'm not speaking directly into the mic. Hopefully that's better for the interpreters. Thank you. If I turn my head, it's to be polite. Anyway, never mind. Environmental sustainability. Karen, thank you for your comment. Absolutely. Both within the Board, but also more broadly from the organization, it's one of my CEO goals. So we have plenty of platforms, plenty of communication mechanisms that exist, to do that. I know it can be a little bit confusing because the

reality, which is, I think, perhaps what you're referring to, is, where do you start? And we, as you say, had a slightly shorter discussion than we would have ideally liked.

And so I think, probably reflecting on what you're saying, we didn't do the framing as well as we should have done about: what have we decided about where do you start and why? And what are the implications of that? Is that correct from what you're saying? Yeah? Okay, good. So I'm hearing: please do that better and more publicly, more overtly, if that's right, then explain the process. Ditto. Help us to understand how we can continue to have that dialogue through the community as we go along. And then finally, please make sure that we iron out the technical glitches, which will sit with my team with a totally separate hat on to make sure that it works. And we've absolutely taken that feedback.

And I just wanted to let you know that the team are collecting all the feedback from this session, from private conversations, from everywhere. We've had all sorts of different kinds of feedback from this experiment with the engagement. And we will publish not just the content in the policy roundup after this meeting, which we will, but we'll also give you some feedback on “Okay, here's what we heard,” just at a sort of practical level about timing and scheduling, as Tripti was saying, but also some of this “How do we get into the Zoom room, the breakout rooms?” That was the thing, wasn't it? Thank you, Karen.

SAM DEMETRIOU: So I [inaudible] I'm sorry. She nodded at me. Yes. I fell into the Sally trap of only looking in one direction. Beth, I think, has one more point that she would like to raise, and then we'll go back to Danko. Thank you.

BETH BACON: Thank you. I was also doing that as I looked at Sam. I just wanted to round out and say that overall I really appreciated this session. I think that there's a certain cohort of folks who get some dedicated time with the Board in this way. And I really applaud the flexibility. We've been changing the way we do these interactions, but I applaud the flexibility of the Board and giving that opportunity to more folks who don't maybe get this dedicated time. Maybe their SO/AC does, but it's a big community. So I just really appreciate it. I thought you guys really jumped in with both feet. I don't think there's one of us that has not struggled with a Zoom, so really, it's not a big deal. So I think that it would be great going forward, and if you guys have questions about just the experience from end users, we're happy to engage there. But just a big thank you.

DANKO JEVTOVIC: Thanks. So just a little bit of context on how this experiment came to be. We were thinking how to improve interactions, obviously, and thank you, Katrina, for doing that. But one of the obvious themes was how to maybe organize discussion about the teams, not only around stakeholder groups. So then we found out it's too much. Already the schedule was fixed, and with great help from Sally and the Org team, we managed to squeeze it somehow into prep week. And the reason for those technical difficulties were that actually, we kind of rushed Org to

help us do it, and we are grateful for it. So we didn't have time to exercise and smoothen out everything. So now that Sally is controlling that process, it will be much better, I'm sure, and thank you for that.

But my point is that the teams were selected with the kind of feedback we received in these original discussions and discussions with the SO/AC chairs. But teams are flexible. Maybe we should repeat them, scope them a little bit better. But I think this is the process of innovation in the communication. We really need your ideas, not only for the teams, but how to change that, because I think this kind of interaction that is cross-community and team-based is very good.

On the other hand, we also had discussion because there was a breakout room. So not everyone can be in every room, everyone everywhere, all at once, and et cetera. So it's the question of how much time we want to spend and do we need another week of pre-engagement that no one really wants, or do we have to find a way to squeeze ourselves? So it's a balance, and in that balance, we really need and appreciate the feedback. Thank you.

SAM DEMETRIOU:

That makes complete sense. ICANNers are really known for having a strong fear of missing out, so I very much understand that. But I think, to underscore Beth and Karen, the fact that you're looking at different ways of this engagement and taking that goal very seriously is so encouraging to hear. So we'll continue to try to provide feedback where we can and turn up for these different kinds of sessions because I think they're a great new thing to try. Appreciate it.

Was there another topic, Becky?

BECKY BURR:

So since we have the time, Alan and I have reported back to the Board regularly on the progress of the GNSO Council Small Team on the Next Round Proposals. And among the things that we've reported is, while nothing is final, we expect that there will be pushback from the council (or I don't know if we expect it, but we think it's entirely possible that there's going to be pushback) on the singulars and plurals issue. The Board's really not prepared to opine on it here, but if there were things that you wanted to say to us about it, I think we would be delighted to hear them.

CHRIS CHAPMAN:

Thanks, Becky. Briefly then, I think there was consensus in the small group that we moved away from what we thought was the most contentious part of the recommendation. But we're, I think, all on the same page, that the fundamental principle of (and I'm going to keep it really simple) not having singles and plurals is something that we think we're going to stick with. We've certainly sent that back to the council.

I'm going to the council tomorrow afternoon to do a briefing session with them on the basis on which the small group came to that conclusion. And obviously, people are welcome to attend that. And if it's of assistance, I am sure that some of the members of the small group would be quite happy to meet with Board Caucus and go through an explanation as to why we feel the way we feel.

And, yeah, without going into a huge amount of detail, I think that's probably the position that we're currently in.

JEFF NEUMAN:

On this one, I also just want to remind the Board that this was heavily discussed in the SubPro Working Group, and this was one of those items that had unanimous consensus. And if you go back through the record, every single constituency, every single stakeholder group, supported not allowing both singulars and plurals.

So it was interesting, at least as being a co-chair of SubPro (because, again, it's pretty rare to get unanimous consensus) that the Board said that they found it wasn't in the public interest. And I guess the question I would have for the Board is, how does the Board find that something's not in the public interest when the entire GNSO, the GAC, and ALAC, who were all members of this group, were all in support of the singular-plural prohibition? And again, that's just kind of a question, as the former co-chair of the SubPro Working Group, as well as a registry.

BECKY BURR:

So I thought you were asking me to treat that as a rhetorical question, Jeff. Without getting into it, the Board has a lot of considerations. In the end, the Board does have to make a call about what's in the global public interest. And if, in fact, we end up at an impasse at this, which I hope we'll find a way through, there are protections in the bylaws. We would have to vote to reject this with a two-thirds majority of the Board.

So we understand that, particularly in a situation ... And by the way, that doesn't change whether it's partial consensus or unanimous consensus or consensus. Those protections are in place for the policy development process, and of course they will be honored. But I think in our reporting back to the Board, the fact that there was full consensus across the community is reflected.

SAM DEMETRIOU:

Actually, Jeff had one other item that he asked if he could just follow up on since we've moved to SubPro a little bit, a quick follow up from our last meeting together in Hamburg. Jeff, do you want to touch on that?

JEFF NEUMAN:

Actually, yeah. At the last meeting, we talked about producing a list of milestones. We went as the registries through our stakeholder group and discussed what milestones we as ... I shouldn't say "we," because I'm not going to be an applicant, but that applicants may need to understand in order to be ready when the round opens up, so it's not a situation where ICANN opens up a round and no one's there because they're not ready.

So we did submit this just shortly before the meeting, so you may or may not have seen it, but I just wanted to inform you that we did send that to Marika, and she and the team are looking at it and hopefully will be responsive to those milestones, which not only includes things that applicants may need to know from before the window opens, but timing and other things from after the window opens. And of course, the biggest issue that's in there is about fees, about what is the fee? And

then we go into some examples of budgeting cycles and why it's critical to know the fee pretty much within the next few months, because of what applicants will need to do and raise money and budget, et cetera.

So I hope you find it helpful, and the registries are certainly willing to engage in a discussion if anything there is unclear or you just need more information. Thank you.

BECKY BURR:

So, Jeff, Sally may have more to say on this, but I can tell you that we got a very good review. The team is finding it extremely useful. We're very grateful for the stakeholder groups who have produced that. I think it will be quite valuable as the Board hasn't dug in on it, but I just wanted to report a very positive response to that from the next round team.

SALLY COSTERTON:

Yes, I was just going to take this opportunity to thank you, and also, Sam, because the registry group has also contributed to this. Oh, gosh, I'm making the same mistake again. Sam, I can't look at you. I'm going to thank you without looking at you. I'll look at Jeff. On a serious note, I know it was a lot of work, and the team values it. Becky's absolutely right. I cannot underline how much we appreciate that, and I think it's a very collaborative process.

And you're absolutely right, Jeff, because obviously, the more we know on that workback data that you've given us, the clearer we are about what needs to happen when. And that allows us, which is exactly where

we came in at Hamburg, to adapt the implementation plan accordingly. So it's very much appreciated. Thank you so much.

JEFF NEUMAN: Yeah, thank you. And just so I'm clear, the thank you is to all the registries that worked on it, not just me. I mean, there were a bunch of registries that contributed. So thank you.

SAM DEMETRIOU: Okay, just doing a quick time check. We have a few minutes left. Might we cover WSIS+20 in 20 seconds? No, I'm kidding. Just for a minute before we wrap up. Chris, over to you.

CHRIS CHAPMNA: Just a question to see what ICANN is intending to do, I know Veni came to the cc's earlier this week and talked about a networking umbrella mailing list thing that everybody will be able to join and swap ideas on, but I'm very interested to hear what ICANN's intentions are in respect to participating in NETmundial, WSIS+20 global dynamic, or whatever it's called, and what sort of stance you're going to be taking and whether or not you're going to be leading the charge, if you will, to ensure the technical community is properly. Thanks.

SALLY COSTERTON: Thanks, Chris. Yes, big, big topic. As you rightly say, at this meeting, we will communicate that ... I'm just going to call it the launch. I think it's better to call it the creation of what we're calling a WSIS outreach network, which is what you were talking about, which is exactly that.

It's a place for us to coordinate collectively within the ICANN community, the technical community, and the broader Internet community. I've had a lot of requests from people, including governments, all sorts of people, saying, "Can we just have a central place, please, where we can coordinate things?" And some of the cc's, for example, have been extremely active already, creating content materials.

So we had a meeting, the Board and some of us, including [Veni], this morning with the technical community on exactly this topic—exactly this topic, as in: this is what it is. And it's because they wanted it as well.

So my first point is there's a strong "We're doing it this meeting. We're launching it." If you want to know more about it, [Vinnie] will present it in our Thursday (I think it's a lunchtime) standard regulatory and geopolitical update session. The mailing list has already been set up. That has been set up as a standard ICANN mailing list. There'll be a QR code to join. It is not a campaign team. It is a coordination network so that we are there to work together.

The other question that you're asking is, I think (and let me just check that this is right), is that you're saying, what is ICANN doing? So ICANN is doing that, which is a tactical piece of work to coordinate people who want to coordinate. So ICANN will be part of that network, if that makes sense as well, with our other hat on. So the CEO goal six is what you're referring to.

So rather than give a detailed update now, to answer your question, I can tell you that we are spending a great deal of time and effort on the topics this year, 2024, around the Digital Compact, the summit of the

future, knowing that there is a huge focus on that. It's important. A lot of our community want to talk about it and be engaged in it. The Board has spent a great deal of time on it. The high-level government meeting in Kigali will focus quite strongly on this. So our hosts there, the Rwandan minister and Nico, the GAC chair, have been spending a lot of time in the past couple of months putting that agenda together, with a high focus on the Internet governance agenda.

So I would call those sort of ICANN channels, if you like, Chris. We are maximizing our ability to use the time effectively to keep each other engaged and to share information about participation so we don't tread on each other's feet and we coordinate where we can.

The [question on] NETmundial has been discussed this morning, but on an ongoing basis. And it has also been discussed at the Board this week. It is a moving feast. I think that's probably the best word.

The CGI ... Many of you will have seen that they have a banner out in the hallway. We are participating. ICANN has a staff member on the high-level committee [that] is beginning to sort of crystallize. I know [Jordan] is involved, for example. So we are talking to each other to make sure we understand what's going on in that committee, just so that we can stay as engaged as possible with a collective understanding that this is an important effort coming from the global south around Internet governance principles. And obviously we want to be supportive of that.

So we're keeping a very close eye on it and making sure that we know what's going on through all our partners, particularly in the technical

community (they're sharing what they know), so that we're having a kind of sensible dialogue about that.

So more on that on Thursday, also in the Thursday meeting, because not just the network but the topic will be discussed at some length in that meeting. So I hope that's helpful for anybody.

And if anybody in this group would like Veni's team to come and do a separate briefing to their constituency groups or their community groups, please let me know. We're totally open to doing that and we're very happy to do it, either at this meeting or at a separate venue. Just let us know.

Veni, my goodness me. I hope I've done you justice. Yes. Thumbs up. I passed the test. Thank goodness for that.

BECKY BURR:

A gift of ten minutes is always welcome, I'm sure, to anybody participating in ICANN meeting. So let me just say thank you. This is great. I think it's sort of interesting, when we get through the schedule topics early, that we can actually have a conversation that everyone knows is not scripted because nobody's known about it beforehand. So I think that's a good thing. And you know, once we get started, there are an endless number of topics that come up. So thanks very much to everybody.

SAM DEMETRIOU:

Yeah. Thank you, Becky and all Board members and Sally and everyone around this table. I think the fact that we can sit here and have candid,

open conversations is a great testament to the way our communications and interactions have improved, but also, really, to your willingness to engage in a meaningful way. So, on behalf of, I think, all the contracted parties, we really want to thank you for your time today and historically through these meetings. And we look forward to the next one.

Oh, and before everyone stands up, a big thank you to the staff who coordinates all this and makes us look and sound really good on this. Thank you, guys.

[END OF TRANSCRIPTION]