ICANN79 | CF – GNSO CPH DNS Abuse Community Outreach Session
Saturday, March 3, 2024 – 1:15 to 2:30 SJU

SUE SCHULER: Hello, and welcome to the meeting of the CPH DNS Abuse Outreach Session. My name is Sue, and I'm a participation manager for this session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior.

If you would like to speak during this session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute in Zoom. On-site participants will use a physical microphone to speak. Please state your name for the record and speak at a reasonable pace. I will now hand the floor over to Chris Disspain.

CHRIS DISSPAIN: Thank you, Sue. Good afternoon, good evening, good morning, everybody. Welcome to this outreach session. First of all, an apology. The room is not optimal, but we're doing the best we can, and ICANN's been as flexible as they can be in making some changes. The cameras are firmly in position where they have to stay, and these things can't be moved around, so we're doing our best. And I'd like to thank you all for your willingness to operate.

Sue, Zoe, can I ask you to run the queue? Because I don't have-- I won't have the Zoom app in front of me, if that's okay. For those of you in the room, there's a microphone in the center there, and we'll be using that if you want to speak. So, we're here to talk about the DNS Abuse

amendments to the contract. We're going to have four basic bits. The welcome and overview. That's me. That's now. Then, Reg is going to frame the DNS Abuse discussion.

Then we're going to have a panel discussion, a brief panel discussion, and then we're going to do Q&A. On the panel, we have Farzaneh representing the NCSG. We have Reg from the registrars. We have Dennis from the registries. Leticia from ICANN. John from the IPC. Mason from the BC, and Susan Chalmers from the GAC, if she makes it. So, that's the panel. They've all got things that I have no doubt that they want to say, but before we do that, let's go to Reg to frame the discussion for us. Thanks, Reg.

REG LEVY: Thanks, Chris. Yes. So, this is a lot of information for one slide, but I wanted--

CHRIS DISSPAIN: You could just take a minute to read that, and then--

REG LEVY: Section 3.18. So, these are what the updates are. This is the actual changes to the registry and to the registrar agreements. Again, obviously, I'm not expecting you to read this. It should be on your computers. If you're in the Zoom room, you can take a screenshot of it and read it later. You can see it's reasonably extensive. They will go into effect on the 5th of April, and they're intended to provide meaningful, baseline obligations. That means that they are a floor and not a ceiling

for contracted parties to take reasonable and appropriate action to disrupt or mitigate DNS Abuse and, crucially, to allow ICANN compliance to enforce these obligations.

Here's our timeline, and it may not be extremely clear from this particular slide, but we did this in record time. We sat down with ICANN. We negotiated these agreements. We got them into the public comment period. We got them out of public comment period. Then we got them approved through a valiant effort of cross-community working, and I just feel like everyone should take that as a baseline for this conversation. Contracted parties are working hard to prove that we care about DNS Abuse, and we want the tools to allow ICANN to keep us to account to do something about cleaning up the Internet as a whole.

I said before, these go live on the 5th of April, and then what's next? We're going to start entering a period where we figure out what these do and how we can move forward. We're going to be gathering data about what's going on with them, and then we can start making decisions. Right now, speculations about what might be necessary is probably not going to be extremely helpful because the Abuse amendments are not yet in effect, and we don't know. Maybe they're not enough. Maybe they should go further.

Maybe we're going to need to do a lot more work. Maybe they're actually pretty good. Maybe they give people the tools that they need, and we start seeing a real change in the industry, and that's really what we're hoping for. I would also like to ground us in the definition of DNS Abuse that is now or is going to be on the 5th of April enshrined in these

contracts, and it is malware, botnets, phishing, farming, and spam, when there's an arrow pointer in the way, when it serves as a delivery mechanism for the other forms that have already been listed. So, content complaints are outside the scope of our conversation today and are outside the scope of the amendments themselves. And now I think I'm turning it over to back to Chris. Back to Chris.

CHRIS DISSPAIN: Thank you, Reg. So, we're going to hear from each one of our panelists. Reg and Dennis are here from the registry and registrars. They're only going to say something if there's a question that comes from the other panelists or the floor, because otherwise, with the panel, this size will be here until well into bar time, and we don't want that. We're going to start with Leticia from ICANN. And I've got a special question for you, which is, once the amended contracts go live, what changes does ICANN compliance anticipate it will need to make to its processes? Hi, everyone.

LETICIA CASTILLO: This is Leticia Castillo with ICANN Contractor Compliance. We are preparing our processors, our team, and our systems to be able to enforce the new requirements through our established process. So, the compliance process itself is not going to change. However, we're making changes to be ready on different fronts. We are getting our processors ready. We have a team of processors that have been addressing complaints related to Abuse obligations for a long time. We have training materials. We have training sessions.

So, we are updating those materials, those sessions, that strategy to account for the new obligations to train our processors in enforcing the new requirements. We are updating our web forms so we can get the information we need from anyone reporting a potential instance of DNS, no compliance with the DNS Abuse requirement to us. And we're going to update our, we're getting ready to update our case processing system so we can collect the data that we need to be able to report to the community on the enforcement of the DNS Abuse requirements. We will be launching a report dedicated to the enforcement of the DNS Abuse requirements.

Eventually, it will be part of a 12-month rolling series so we can show some trends over time. And it will include data such as number of complaints received, broken down by the type of DNS Abuse reported, number of cases resolved with a contracted party, whether the contracted party took mitigation actions to stop or to disrupt or to contribute to stopping or disrupting, what type of action, or whether no action was taken because there was no actionable evidence. So, those are the three main areas. Our team, our web forms, and our case processing system.

CHRIS DISSPAIN: Okay, thanks. I think given that you've got a specific, you've got that specific question, if people want to ask questions at this stage, I'm happy to, I'm happy to take them. Otherwise, we can come back to the, come back at the, at the end. I have a, Elliot, good afternoon. Long time no see.

ELLIOT: Nice to see you, Chris. Leticia, you mentioned a lot of things there. That's very encouraging. And you didn't mention, though, what is most important, I think, here, maybe it was implied in what you said, but the sole purport of this whole effort, I haven't been here in five years, and took a lot of this period to accomplish that, is so that ICANN compliance can be a backstop for bad actors in the registry and registrar areas. So, reporting is nice, but at some point, you're going to have to adopt and enforce a regime to shut down those that are not behaving properly. So, is that part of your contemplation today?

CHRIS DISSPAIN: Thanks, Elliot. Leticia?

LETICIA CASTILLO: Thanks, Elliot. I was mentioning how we are preparing to enforce the requirements. We have a process, a part of the process, noncompliant registrars or registries go through that process and may lose their accreditation or get a suspended if it's a registrar. So, it was implied in my response getting ready to enforce. And just to make it clear, we've been enforcing the Abuse obligations that currently exist. We will continue to enforce those obligations because they remain unchanged, and we want to start enforcing the new obligations through that process that may result in a termination or suspension of an accreditation.

ELLIOT: You said two things there that confused me. They seem to conflict. One that you will continue to enforce, and the other is, in addition, the new obligation. So, it, to me, it's clear. And the whole intent of this was to provide compliance with the ability to enforce. That was the whole purport of this effort. So, that feels new, not continued. I'm not, I'm not criticizing anything that's happening, happened in the past. But is what I said consistent with what you said?

LETICIA CASTILLO: I am not sure. So, I'm going to just try to address your comment. We have been enforcing the current requirements in the RIA. We have been reporting on that. We have all the complaints we received, what the results of those cases were. We have reached registrars because of those obligations. That's all published. Now, we were asked if you had the tool to ask a specific mitigation action from a contracted party within ICANN. That was not in the agreement. No, we have that now. And that we're going to enforce. But we're going to continue enforcing what exists in the agreements. I don't think we're seeing the opposite things.

CHRIS DISSPAIN: Elliot, I'm going to call it. But I think you've sort of answered the question. Crystal, James, and then I'm going to go back to the panel. Otherwise, Leticia is going to feel like she's been put in the hot seat, which is not really very fair. Crystal, go ahead.

CRYSTAL ONDO: And I just wanted to follow up on Elliot's point, Crystal, onto Google. I think it's more, does ICANN compliance see an opportunity to instead of reacting to individual reports, let's say example. tld wasn't taken down, you have an individual report. And then you complain. I'm going to pick on GoDaddy because he's behind me. You go to James and you say, GoDaddy, you should have suspended this domain. And he said, oh, my bad, we took it down. And then the case is closed.

This is an opportunity I think a lot of the contracted parties see to look at Abuse on a more systemic level. You guys have the data from CCDS from registries. We amended the registry agreement last year to allow ICANN to say, this domain maps to this registrar. So, ICANN holds the data of what every registration is and where it's registered. Are you planning on looking at that data and identifying registrars that are behaving badly across the board? Not one-offs from the complaints that go in your natural process, but looking at there's Net Beacon has data.

ICANN can very easily come up with the data on their own of registrars that have an above proportionate amount of Abuse happening on their platforms. And will there be an effort from compliance to deal with that in a slightly different way than the one-off Abuse reports? I think it's somewhat to what Elliot was getting at.

LETICIA CASTILLO: Thanks, Crystal. This is Leticia again. So, as you know, we enforce the obligation mainly through the process of external complaints because we receive a lot around the globe. And we receive complaints from law enforcement and from cybersecurity experts that help combat Abuse

from different professionals across the globe. But we're not limited to receive external complaints. Yes, as you know, we have an audit program that runs an audit, normally twice a year, one from registrar, one for registries.

We just launch a registrar audit that's full scope. Obviously, these obligations are not part of it because they're not yet enforceable. A few years ago, we had a couple audits for registrars and registries that were focused on Abuse requirements. So, we maintain that flexibility to audit an Abuse through the audit program. And as well, if we add more techniques, well, active monitoring techniques, as we're always looking into how we evolve our process, that is not off the table. We will share with the community. We will discuss with contacted parties to make sure that we continue this transparency collaboration that we have. Does that answer your question? Or should I just try again?

CRYSTAL ONDO: Maybe just to take back to the entire ICANN compliance team that there are a lot of contracted parties that voted for this, assuming there would be a look at the systemic Abuse happening and not just the reports. I mean, all registrar reports, that doesn't mean that all the Abuse happening on their platform is coming from those emails, right? Other good actors pay for larger feeds. They pay to see what's happening across all of it. And we would hope that ICANN would do the same.

CHRIS DISSPAIN: James, then I'm closing the queue.

JAMES BLADEL: Yeah, thanks, James from GoDaddy. And my question is also aimed at Leticia. Apologies for that. But I think, just building on what we're hearing from the two previous speakers is that these new amendments are going to be a turning point in ICANN compliance. And I'm not right now confident that you guys see what's coming. For the first time in your institutional history, the folks coming to compliance are not going to be registrants or people who believe they should be registrants or other registrars. This is opening the floodgates to the general public. And in many cases, we are already starting to see instances where they're coming to you almost as an appeals level for the decisions that were made at the registrar level on reports of Abuse.

And I think there's a concern that there needs to be, and hopefully Russ is going to respond to this, an investment in people and tools, but also some improvements in your procedures to make sure that you are ready for what's coming and that you're able to effectively, personally, start screening some of the stuff that you're sending over to your contracted parties prior to when they come in your door. And I think Russ wants to, he jumped right up when I said that.

CHRIS DISSPAIN: Yeah, go ahead, Russ.

RUSS WEINSTEIN: So, this is Russ Weinstein from ICANN. Thanks for the questions. And I think, and Leticia, thank you. I think what we're trying to say from the

ICANN perspective is, we do think we're ready. We, the things Leticia was talking about is the training required internally is the increasing tools required from a can't hear. Okay. Thanks. Let me try and get a little closer. All right. Russ from ICANN again. So, I think what we're trying to say is we have to, we have to do both and we are trying to do both. We have to be able to respond to the inbound tickets and inbound complaints from the community, just like we always have.

There's a big filtering process that that goes through. It's not here, but we have statistics you can find on the compliance website and in compliance presentations, such as the prep week one that shows that big filtering process of complaints that come in about Abuse to complaints that get to registrars or registries to respond to. That will continue and that will continue to adjust with the new amendments and the teams preparing for that. We've hired additional staff, as you talked about, to ramp up from potentially more complaints and more investigations and things.

We also are looking at different tools that we have at our disposable that the community has new data sets available that we can do things to address Abuse beyond just complaints and beyond audits. So, I think we're doing it on both fronts and I think we think we're ready. It's not going to be out the gate. We're not getting registrars down or anything. There's going to be a learning process for everyone and we're ready for that. And there'll be a communicative process with the registrars and with the rest of the community as well.

CHRIS DISSPAIN: Thank you, Russ. And I mean, in essence, I think everybody knows that the CPH has been saying all along that this is a this is a step on a road and there's more things to be done. One of those things is going to be obviously working more closely with compliance to figure out how we can streamline things, how we can make it easier for them, how we can have reporting mechanisms can work better and so on. So, it's an ongoing relationship exercise. It's not just going to change dramatically overnight, but it's we're all going to work together closely to make sure that it works. Leticia, one more comment for you.

LETICIA CASTILLO: I just wanted to add something to everything that Russ says and just to address James, because he has a question. I was trying to summarize three main points. Obviously, I cannot get into everything that has been done for the three main points because we just have an hour or something. But part of training the team and it is that validation stage that we do, we need to review each complaint as we do, and we are looking into how we can do it better. I am not saying that we do a great job right now as it is, and that's it. No. We continue looking into our processes of training and tools to see how we can do better. But that validation exists.

The percentage of complaints that go to a register is not large. We have shared this statistically before. But we are taking all the actions that we can take right now to be ready. We feel confident about it. Complaints related to Abuse has been our number one for a while. We noticed how last year actually doubled. So, 2023, the number of complaints received doubled compared to the prior year, and we expect this trend to go

upwards. So, we are preparing the team for that while we continue looking into how we can do better what we do. So, thanks for your comment.

CHRIS DISSPAIN: Wonderful. Thank you very much. Okay. So, we are going to ask Farzaneh, John, Mason and Susan a question, which is, what's the most important single thing you would like to see flowing from the amended contracts when they go live on the 5th of April? For some of you in the room, you may not know that the CPH DNS Working Group has held outreach calls over the last three or four weeks with NCSG, with the BC, and with the IPC, not with the GAC, because GAC doesn't do calls, really. No, I'm Susan. It's a more complicated thing to organize a call with the GAC, but we're going to be chatting to the GAC here.

So, we've already had sort of discussions about the future with the other parts of the GNSO, but if we could take a little time each just to deal with the main issue or the one single thing that you think is the most important flowing from when the contracts go live, then we'll discuss that a bit and go back to some more questions from the floor and from the Zoom room. And I'm going to ask Farzaneh to go first.

FARZANEH BADIEI: I don't know about a single thing, but I'm going to just take two minutes to say this. So, how many reports received should not be a success measure? How many reports we took action on should not be a success measure either. The measure for success should be qualitative. And in criminal justice system, we use these outcome-oriented numbers and

put people in jail and got tough on crime. And what we saw was violating human rights and didn't even fix the system. I'm being dramatic, but let's not do that in DNS space.

What we want from these amendments are solid due process structures, meaningful transparency reports on the categories of Abuse. We also want the amendments to bring clarity and safeguards for keeping the DNS Abuse limited and technical and not lead to web service and content regulation. We want to also be able to observe how these amendments have an impact on human rights and our civil liberties, if any. Also, on the internet and how they could potentially have an impact on access to domain names, if any. Thank you.

CHRIS DISSPAIN: Thank you. We're going to go down the line and get everyone to say something. I'm then going to come back. And if anyone on the panel wants to respond to anything that anybody else on the panel has said, they're very welcome to do that or ask any questions. And also, obviously, questions from the floor as well on anything that's been said or any of the responses. So, Farzaneh, thank you very much. John, I guess you're next.

JOHN MCELWAINE: Thanks. John McElwaine from the IPC. First, let me start by saying thank you for inviting me and the rest of the panel here. I think this is great. And I was really heartened to see the contracted parties actually talking about wanting to do this self-regulation and asking ICANN for greater and more effective enforcement. Chris, when I got your

question, it was sort of like, what do you want for Christmas? And as far as he did, too, it's going to be a longer answer.

CHRIS DISSPAIN: That's quite all right.

JOHN MCELWAINE: I mean, the short answer is, I think we want improved communication. That's going to be starting with better reports of DNS Abuse by requesters, more predictable results, gains in efficiency. I hope by flexing these muscles, we're going to have easier, faster, better reporting structures, less onerous and quicker actions for registrars who are having to deal with receiving these reports.

Transparency regarding the DNS Abuse process and the results and the reports, I think that's going to be an important part to the community seeing and part of communication seeing that transparency with this process. And then lastly, we've heard it already, effective enforcement from ICANN compliance. And part of that from a communication standpoint is going to be dealing with the definitions. We're going to need to figure out what is actionable evidence as a community? What are appropriate mitigation actions? What's prompt actions? We like that there's been some effort to do it in this advisory document, but that's not policy. And so, there is going to be some concerns about how is that going to be effectively implemented at the enforcement stage with ICANN. So, essentially, I think this is an issue. What we'd like to see out of it is better, effective communication. Thanks.

CHRIS DISSPAIN: Can I ask you just briefly to sort of expand on what you mean by predictable results?

JOHN MCELWAINE: So, it has to do with understanding what is going to be seen as an actionable report of DNS Abuse. And part of this is reflected in experience that we're having right now with the RDRS. We actually had a conversation about it, which is if you submit a DNS Abuse report and, for instance, it's denied, we need to make sure that the requesters understand what information is needed. And if it was rejected, why not? So, that's what I'm getting for predictable results.

CHRIS DISSPAIN: One of the things that we talked about. I can't remember which of the calls it was. It might have been more than one of the calls. We talked about and Ashley made the point a couple of times that there was work to be done on making it clear what registries need to see in a report to make it easier to respond more quickly in a timely manner, in a clear manner.

So, for example, and this is just one example that somebody used was burying the domain name on page 27 of the 35-page report isn't actually particularly helpful. Not that I'm suggesting it's happened, but just it's a useful example to use. So, that sort of thing that I think is ongoing work, leading from these amendments, we can do without needing to involve anybody else other than ourselves and just get on with it, sit

down and talk about it, which I think goes to your communication point. Would you agree?

JOHN MCELWAINE: Yeah, I definitely would agree.

CHRIS DISSPAIN: Super. Thank you. Mason, you're up.

MASON COLE: Thank you, Chris. Mason Cole, Chair of the BC. I'd like to preface the BC's comments with a couple of things. First, starting again with a thank you on behalf of the BC to ICANN org and to the contracted parties. I came out of the contracted party world, and I realize how big an issue it is to get contract amendments evaluated, approved, put into place. And on behalf of the BC, I just want to say thank you because we're very hopeful that not only is this going to be an effective measure against DNS Abuse, but it's a springboard for the next set of anti-Abuse measures that contracted parties, ICANN, and the community take together. So, thank you for that. Chris asked for one thing.

I'll say I have one thing, but it's a compound answer. So, the first thing that the BC would really like to see is the establishment, not only the meaningful impact on DNS Abuse itself, but the establishment of meaningful measurement metrics. I said that three Ms in a row, meaningful measurement metrics that can effectively measure the impact that these amendments have against Abuse. And the BC

believes that, that would involve not only ICANN source statistics, but statistics from credible third parties as well.

There's plenty of, there's plenty of research out there that points out that DNS Abuse is still an issue that continues to need to be addressed, that it's a growing issue, and it will expand in the future as new threat vectors emerge. So, it's important to us to see that there are meaningful metrics established. So, and this includes some things like identification of the infamous 8-10 registrars that Elliott and others have referred to that are known to be bad actors and need to have compliance action taken against them.

And then I'll move to the second part of my compound answer, which is we're looking for a springboard for additional improvements to contracts or to policies that deal with DNS Abuse. I'll give you an example. We'd like ability to see if there's the capability to act at scale against Abuse. And that means solving the whack-a-mole problem. So, today it's a whack-a-mole problem. You have to go case by case by case. We'd like to move that up to the account level to the extent that this is operationally possible so that we can deal with Abuse in broader swaths of activity rather than just one at a time.

And then the common denominator that I think we're probably going to hear from all the panelists and from others in the room is a meaningful compliance function. And I'm glad to hear that compliance is dedicated to increasing their resources. There's lots of opportunity to do good here. And we hope that the compliance department steps up to the plate in the way that they've represented that they will. And the BC is hopeful that that happens. Chris, back to you.

CHRIS DISSPAIN: Thank you very much, Mason. And Susan, over to you.

SUSAN CHALMERS: Good afternoon, everybody. It's a pleasure to have received the invitation to be here. My name is Susan Chalmers, and I am the GAC representative for the United States. I am also, along with my colleague Martina Barbero from the European Commission and Nobuo Shigata from Japan, one of the GAC topic co-leads on the subject of DNS Abuse. So, my intervention represents our collective views.

In response to the question that we see here up on the slide, the GAC would like to see a demonstrable reduction in the incidence of DNS Abuse in generic top-level domains. Governments want a safer online environment for their citizens. I think then the question becomes, when will the GAC be able to see a demonstrable reduction in the incidence of DNS Abuse? And how will this be shown to governments?

This should depend on a few factors, including the schedule of ICANN compliances' audit and enforcement program, metrics and reporting from compliance from ICANN's office of the CTO, and from third-party organizations like the DNS Abuse Institute. The GAC welcomes the amendments as an important first step by the contracted parties and ICANN. It is fair to say that the GAC will always push for perpetual progress in order to advance the public interest, and in so doing, will advocate for the continuous improvement of DNS Abuse mitigation and prevention standards through the balance of 2024.

The GAC has referenced the next application round for new gTLDs as a deadline for concrete action on DNS Abuse, that is, before the route expands. The GAC appreciates the social, economic, and cultural opportunities presented by new gTLDs, but at the same time, viewed from a public safety perspective, they can simultaneously be viewed as potential avenues for fraud and Abuse. Accordingly, we hope that 2025 is a productive year for advancements and innovation in mitigation and disruption practices.

I'd just like to note that given that there is a focus on IDNs and promoting universal acceptance for the second round, it would be interesting to understand whether the DNS Abuse calculus changes in non-ASCII environments. I'm thinking of homoglyph attacks, for example. Just to conclude, the picture for the GAC, as for all constituencies, will become more clear over time when we're capable of measuring progress, but that should be within 2024. The GAC's DNS Abuse session will take place tomorrow at 4:15. Compliance and clean DNS have kindly agreed to attend, and so we look forward to further discussion then.

CHRIS DISSPAIN: Thank you very much indeed, Susan. I'm just going to come back down the line and see if anybody wants to say anything in response to what others have said or in addition to what they have already said. Farzaneh, anything from you?

FARZANEH BADIEI: I just wanted to mention that we also don't want to see another round of bilateral negotiations that goes over the multi-stakeholder process and come up with these further additional changes without meaningful consultation with the community. I'm a little bit disappointed that almost everybody on this panel went against what the civil society and non-commercial stakeholder group is saying, which is the measure for success should not be only the reduction in DNS Abuse, because then you incentivize some registrars to just take domain names down and to just take action.

That could be unfair because they also lack resources. Is it better to do due diligence, or should I just take these suspicious domain names down? It's going to happen. I think that we should have a chat about our success measure and maybe come to an agreement. Thank you.

CHRIS DISSPAIN: Can I just make sure that I understood what you're saying? You're saying if your measure of success is a removal of domain names as a reduction of Abuse, the problem there is that without investigation, in order to make the numbers look good, there's a possibility that registrars will take domain names down. Okay, that's your point. I just wanted to make sure I understood. Okay, that's fine. Just let me go down the line and see if anybody else wants to make any response, Reg. Then I will get to the queue, James and Michele. Reg, you go ahead.

REG LEVY: Thanks, Chris. I'd like to thank everybody here on the panel for attending and for providing their input, and also for providing input in

our sessions that we had earlier. Let everybody in the audience know that the contracted party DNS Abuse subgroups are continuing to reach out to the various groups within ICANN to gather information about these DNS Abuse amendments and what they are going to consider successes. This is not just us listening and then closing the book. Dennis has many pages of notes right here. We're taking notes about the various things that we can do, the things that we can ask ICANN to do, the things that we can encourage our members to do, so that this can really be a success across the board.

CHRIS DISSPAIN: Thanks, Reg. Anybody else want to make a comment before I go to the queue? Susan?

SUSAN CHALMERS: Thank you. I'd just like to acknowledge Farzaneh's point and also note that in our public comment on the amendments, the GAC did note as an area for future consideration, potential consideration, due process consideration. So, the point is well taken and the GAC has considered that.

CHRIS DISSPAIN: Thank you. Okay. So, we're going to go to the queue in that case. James, you're up.

JAMES BLADEL: Hi. Thanks, Chris. James from GoDaddy. I just wanted to respond to Farzaneh's point just a moment ago, which is that the amendments themselves don't necessarily stipulate takedown of domain names as a remedy for addressing DNS Abuse. And I think, for example, some of the reports that we've seen is that, a large number of DNS Abuse stems from compromised domain names and compromised websites that may be reaching out to the customer and helping them update their security practices or pushing out updates or patches might address the issue. So, I take your point that, that is one possible side effect that we should be monitoring and keeping an eye out for, but it shouldn't necessarily be assumed that that's an inevitable outcome of these amendments.

REG LEVY: So, it's not just the removals, but what you said is the due diligence that I was talking about. When we say that we want to see a reduction in DNS Abuse without emphasizing that we also want to see due processes upheld, transparency, and there are transparency reports. When we don't emphasize on that, that emphasize on the other aspect, as much as we emphasize on the numbers, we are going to see unfair treatment of the domain name registrants and some of the registrars. That's what I was saying.

JAMES BLADEL: Yeah, and I think we're in agreement. I think the amendments allow for that and in fact provide flexibility for registrars to conduct that investigation and to take appropriate steps, not just go out and just start taking down domain names.

CHRIS DISSPAIN: It's a constant tension between the two, isn't it? We want you to move quickly, but we want you to use due process. It's pretty challenging at times. Michele.

MICHELE NEYLON: Good afternoon, Michele from Blacknight, one of the smaller little registrars. Our primary business is hosting. We're also an ISP. I mean, a couple of things that I've heard from the panelists really concern me. I mean, the thing with, as a registrar, is if we are the registrar of record, we have the ability to take a domain down, sledgehammer. I do not have a scalpel. I cannot mitigate the "Abuse". This fixation on bringing all the problems of digital and online to registrars and registries is completely disingenuous and really needs to stop.

If you look at the headlines in newspapers across Europe over the last 18 to 24 months, one of the big sources of frustration with online has been things like smishing attacks. Why aren't you going to the telcos and putting pressure on them to take action on that? Instead of coming here and immediately, the ink on these amendments is barely dry and already the BC's talking about imposing new obligations on us. You haven't even given these ones a chance to bed in and you want something more. The cost to the BC, the IPC, and several of the other stakeholder groups to ask us to do more is zero.

The cost to us to implement it is more than zero. There has to be a reasonable balance. You also have to allow for the we are not the ones who can fix all of these problems. If you come to me and you say, this

domain name is being used for Abuse, unless you can prove that the domain name was registered solely for that, then you could say, well, oh, I don't know, google. com forward slash something is being used for Abuse. Are you going to expect them to take down google. com? I suspect not. So, I mean, just this kind of constant pushing on the registrars and registries as if we are the ones who can fix everything, is just ridiculous and it has to stop.

These contractual amendments are to give ICANN compliance the ability to enforce certain narrowly scoped contractual requirements. So, that when you come to ICANN, you say, I sent an Abuse report to registrar X and they did not respond to me, then ICANN compliance can go to that registrar and go, you need to respond. And I think, this thing about the metrics as well is key. It needs to be quality, not quantity. Because, I could turn around to my staff and go, right, how do we reduce the number of Abuse reports? Well, let's just suspend all the domains we get complaints about. Now, I'm not going to do that, but that would be an easy fix. Thanks.

CHRIS DISSPAIN: Michele, thank you. I think maybe John and or slash Mason may want to respond. I know Reg wants to say something, but John and Mason first.

JOHN MCELWAINE: No, I think that it's important to keep in mind that we're not advocating for anything going beyond just the DNS Abuse amendments as they are written. We think that it does present opportunities. I said, once we

have a system worked out that the DNS Abuse current requirements are being implemented and being enforced that we could look at other avenues, other DNS Abuse measures. But I think Michele's comments are appreciated in that he's admitting that part of the problem is it costs registrars money to do all of this, and that there needs to be an efficient way to deal with it. But it's something that registrars are not turning a blind eye to by all this, and I think that's a good sign. So, thanks.

CHRIS DISSPAIN: Mason?

MASON COLE: Yeah, thanks, Chris. And thanks for your comments, Michele. I don't think anyone, at least I'm speaking for the BC, I don't think anyone's looking at these amendments as a panacea or a cure all for any kind of Abuse that's happening in the DNS. And I certainly recognize that the imposition of new obligations on contracted parties represents cost, effort, resources, everything else.

At the same time, I have to point out DNS Abuse costs businesses, the people that we represent, millions of dollars a year. And we're looking for cooperation on the part of the community to do something about it. We don't expect registrars or contracted parties to do everything about it. But we're hopeful. And this conversation has been helpful, cooperative, and hopeful in terms of the ability for us to work together to solve some of these issues.

CHRIS DISSPAIN: Thanks, Mason. Thanks very much. Sir?

PETER AKINREMI: Peter Akinremi, for the record from the NCSG? I'll just create a scenario. Okay. (a) is a registrant. (b) take the domain of the registrant and use it for DNS Abuse. (c) take down his domain name down. Is that a success to measure that we are fighting DNS Abuse? No. So, the cost to registrant is there. So, we need to find a way to fight DNS Abuse rather than taking down the domain name, which costs the registrant, not only the registry or registrar. Thank you.

CHRIS DISSPAIN: Reg, you want to respond?

REG LEVY: Yes. Thank you. This is Reg Levy from the Registrar Stakeholder Group, DNS Abuse subgroup, but also Tucows. And yeah, we call that a compromised domain. And that is very frequently the type of report that we receive. And we try very hard to work directly with the registrant, to work directly with the reseller of the registrant so that they can solve the issue and stop the DNS Abuse from happening without us suspending the domain in the first place.

And to Michele's point, as soon as my team gets a report, the cheapest way for us to deal with it is to shut the domain offline and move on with our lives. But that's not how we do business. That's not how we maintain a customer base. We work with people with compromised domains so that they can keep their email up, keep their domain up.

And so that the DNS Abuse that is being perpetrated through their domain does not continue. Sometimes that takes a bit of a while, which may mean that the DNS Abuse stays up. Sometimes we will suspend the domain temporarily so that the issue can be resolved while it's offline. It depends. It's on a case-by-case basis. But yes, that's absolutely something that concerns us as registrars who have the relationship with the registrant on a daily basis. So, thank you for that point.

CHRIS DISSPAIN: Thanks, Reg. And thanks for the question. Jothan?

JOTHAN FRAKES: Thank you, Chris. And thank you for the panel. My name is Jothan Frakes. I own an even smaller registrar than Michele's. But I stand here today a victim of DNS Abuse being poorly defined outside of the four that we have here. And I really, the definitions of DNS Abuse that we use inside the contracted party house really serve as a guardrail because it is what we can do. And it's mentioned that that's really a cudgel. And I think that some of the areas that we fly outside the guardrails on, is where the definitions are not crisply used throughout all the different quarters as we discuss this topic of DNS Abuse.

I said I was a victim of DNS Abuse being poorly defined. I have over the last 30 days, been working to try to correct a friendly fire issue from a list that listed a domain of myself with absolutely no appeal method that caused it to be blocked by browsers and all types of different things. And it was not a compromised or phishing name. It just got

reported by somebody who had no consequence, no cost. And it's just been such a frustrating situation. To put registrars in the position of doing that would be a bad thing. And so, what we end up with is a cost of research for every single case that comes through.

It's very expensive to get a customer. It's very inexpensive to lose one. And so, we have a lot of cost factors that we think in this. And it's not a big business. There're not big margins. So, we really are working hard here to make sure that we're making the internet better as part of this process. So, thank you.

CHRIS DISSPAIN: Thank you. I got to Mark in the queue. We're going to go, but if there are no further people in the queue and there's nothing online, when we've heard from Mark and answered that, we'll go back to the panel for last words and maybe finish a little early. But please feel free to come forward into the queue. If you'd like to make a comment or ask a question, you'll be most welcome. Mark, over to you.

MARK DATYSGELD: Thank you. Mark Datysgeld, BC. I was co-chair of the small team on DNS Abuse. So, we are very fixated in this conversation on deletion of the main names. And that makes sense. It is the sort of the end all of it. But the more fair way of going about this is saying that there's actually a lot of different things that can be done to a domain name before we get to that. It can be held. It can be locked.

It can be redirected for a sink holing. It can be transferred to another register. And then, yes, it can be deleted. But it's actually a suit of different tools that serve different purposes. Like it was mentioned before of helping the domain name registrants to actually solve the issue that's plaguing them. They didn't update their CMS and now they're under some kind of attack. That's fixable and it's not that hard to fix. So, when we think about all of these different solutions, yes, let's think deletion. But if we manage to coordinate as a community, we can get way more results through the other tools that are available and only leave deletion for the cases that are blatant and that we know this is a bad actor. There's nothing to be done here. Thank you.

CHRIS DISSPAIN: Thanks, Mark. So, one of the things that we're going to be doing going forwards is apart from continuing to work on this and holding more outreach sessions and so on and so forth. The CPHDNS Abuse Working Group is hoping to continue its outreach calls on a fairly regular basis with other parts of the GNSO. And in fact, other parts of the ICANN community would probably be sensible as well. And also, one of the things that we've talked about, we haven't reached this point yet, but one of the things we've talked about is asking the BC and the IPC and CSG to appoint a point person to be their sort of DNS Abuse liaison with us so that we know who we need to go and talk to and vice versa.

And we're trying to, as I think, as either John or Mason said, it's mainly about communication. It's just about making sure everybody knows what's going on and understands why things are happening and how they're happening. We're also very conscious of the fact, and I think,

Russ and Leticia have said it, we're conscious of the fact that there's more work to be done in respect to how we build on these amendments, how we use the data that gets collected over, the next six months to work towards a more streamlined way of dealing with compliance and looking at systemic Abuse and so on and so forth. So, I think all of that is positive. I'm going to go down the panel to everyone I just asked for a last comment before we close. Susan, anything?

SUSAN CHALMERS: No, just to say that this has been a very, very helpful discussion, very useful discussion, and I look forward to taking the bulk of it back to my colleagues as we continue our work on DNS Abuse and the GAC. Thank you.

CHRIS DISSPAIN: Thanks. Mason?

MASON COLE: Thanks, Chris. Just on behalf of the BC, thanks to my fellow panelists and to you and to the contracted parties for organizing this entire conversation. There's more work to be done. We look forward to cooperating with the community and thank you very much.

CHRIS DISSPAIN: John?

JOHN MCELWAINE: Yeah, I echo that as well. We look forward to improving those communications and having a transparent system in place, which will hopefully, alleviate some of the concerns we've heard today. Thanks.

CHRIS DISSPAIN: Sorry, Leticia.

LETICIA CASTILLO: Thanks, Chris. Thank you. It's been a pleasure being here on the panel and just to reiterate that identifying and helping identify and combating DNS Abuse is something very important for us. Again, there are multiple teams involved in sharing information, tools, capacity building, and enforcing the agreements. For that part, I thank everyone for their comments and their questions and know that we are taking everything into account while we continue preparing for this task that we know is not going to be easy, but we're ready to do it.

CHRIS DISSPAIN: A takeaway for me on the specifically for Org is would be to think about how we can build in sessions and perhaps not every ICANN meeting, but maybe once, twice a year building sessions with compliance and public sessions to talk about how things are going, where the challenges are, et cetera. I mean, obviously you're going to meet with the contracted party separately that you do that anyway, but actually having everyone else in the room while we talk about this stuff is probably a sensible thing to aim for if we can build for that. Dennis, did you have anything?

DENNIS TAN TANAKA: Thank you. Dennis. No, just thank you for this feedback. It's very helpful. I think we look forward to continuing this conversation with you and with the rest of the community. Just being the lookout. We have a few action items based on our conversation with the IPC, BC and CSG. So, we'll take action as soon as practical.

CHRIS DISSPAIN: Reg?

REG LEVY: Thanks. No, I really appreciate the collaboration and conversations that we've had with community members so far, and I'm looking forward to continuing that. I feel like a lot of times we talk past each other. We write papers at each other. And so just having a conference call where we can all talk about topics of interest and get different perspectives has been really helpful for me.

CHRIS DISSPAIN: And Farzaneh?

FARZANEH BADIEI: I guess I have to thank you because thank you so much. This is wonderful. So, I just, we hope that we see more qualitative measures, we see more emphasis on due process, on impact assessment of what rights we are violating or we are putting at risk, and looking at this more holistically.

CHRIS DISSPAIN: Thank you, Farzaneh. Thank you, everybody. More news as it happens. See you tomorrow. Thanks a lot.

SUE SCHULER: We can end the recording.

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