ICANN80 | PF – GNSO: NCUC Issue Forum Work Session
Tuesday, June 11, 2024 – 10:45 to 12:15 KGL

ANDREA GLANDON: Hello and welcome to the NCUC issues forum. My name is Andrea and I am the 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 and zoom. When called upon virtual participants will be given permission to unmute and 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 our chair. Benjamin, you may begin.

BENJAMIN AKINMOYEJE: Good morning, everybody, and glad to have you all here. This is the Non-Commercial User Constituency issue forum at ICANN80. This is almost one year we started this journey of the issue forum. And I can still remember the first one we tried. It wasn't even on the schedule. We had about the challenges of multistakeholder model. One of the issues we discussed in that was PICs and RVC, public interest commitment. And we're fortunate to have our co-founders, Kathy and [inaudible – 00:01:23], to lead that work. They drafted and arranged the entire event. And we had support from PIR. And this is one year and we are celebrating the achievement of that policy issue.

So, the issue forum is an opportunity for the Non-Commercial User Constituency to pick on a particular issue of interest that is very dear to us and dig deep into it, and also make the community to be aware of such issues, and then build consensus around it, even across the entire ICANN community. So, it seems we are going in the right direction. And as we have also made leaders out of this and built capacity to the point now that one of our able EC is championing this entire particular issue forum at ICANN80, I think we deserve a round of applause for ourselves.

So, I want to welcome all of our guests or people who are going to be members, if there's anybody in the room or online. So, today, I have the pleasure to welcome everyone and then I'm hoping that we're going to have immense value from today's meeting. So, without further ado, I want everyone to feel okay to join into this conversation as I hand it over to Ken, the EC, who will introduce the session.

However, before that, I also want to acknowledge the presence of Julf, the NCSG chair. Glad to have you here. The policy chair, Tomslin. Glad to have you here. And every other individual who I've invited, please pardon me if I don't know your name or call you. And more importantly, Kathy, for coming. Kathy, thank you for all the good work you're doing and the passion and the support you're giving every one of us. Thank you for being here. And thank you for all the members who have taken time out. I know there are also other amazing sessions you would like to participate in. However, thank you for coming to the NCUC issue forum. Thank you, Ken, for all you have done and take it away.

KENNETH HERMAN: Thank you, Benjamin. Thanks for that terrific introduction. My name is Ken Herman, for the record. I'm the NCUC EC representative, North America representative. Give me a moment to get everything sorted here. Look at that. It actually works. All right. So, somebody needs to turn off their speaker. Thank you. Yeah, thanks, everybody for coming. I know there's a lot of competition for this particular session. So, we're grateful that you're all here. A bit informal, we're here to talk about registrant rights.

Okay, first start with a disclaimer. I'm not a lawyer. And so probably some of what I'm about to share may not be entirely accurate, but I do have one qualification. I'm a registrant. I have my own domain name. I registered that before Y2K, to use a reference that I'm sure many of you haven't heard in a long time. And I've helped others in the nonprofit community and family and friends register things. And one of the reasons I became involved in ICANN was, there was some professional things involved, but I really wanted to know how the Internet works. I mean, my profession is technology, but I wanted to know how this all works. And frankly, I became involved with the transfer policy because I had some difficulty with getting transfers done through registrars. And I really wanted to know more about what this all worked.

So, that's my qualification to talk about registrant rights. And we've got a full range of speakers to talk about a lot of issues, but I do want to set it here. I'll come back to the agenda in a minute, but I want to talk about what do we mean when we talk about registrant rights. And it's, the whole concept of rights I'm learning is a broad one. It's sometimes unclear what we're what we mean when we say rights. And it's

sometimes unclear what those rights are and who has bestowed those rights and how do we get access to those rights, but my research indicated that what you see on the screen are some of what we mean when we're talking about rights for registrants. We have to be able to use our domain names the way we want.

So, some freedom of expression we want. We want our registration data to be protected. That has grown over the past few years. We want to be able to have people have get to our domain names if we want to share information. So, access. We want to be sure that our domain stays ours and that people can get to it. So, there's some security and stability. We want to know when there's a problem. There's some way that we know how to access the mechanisms for resolving those problems. So, we expect, and there should be some due process and fairness, and we should have control over our domain names, that we register we should be able to do what we like with it.

So, these are some of the things that we hope to cover in today's session. So, what do we have I don't want to belabor it we're going to talk about many different topics. Oops. We're going to talk about-- let's see. Oh, no, I was sorry I forgot this. Where did these come from the rights. So, I was phishing around and saying, so, where do the rights come from, well, one of the places is that is the contracts that ICANN has with its contracted parties, and you see here, there's a page from the website having to do with registrars benefits and responsibilities. And I know we may expect registrants to phish around on the internet to find these things but they are there.

Okay, now I can talk about what we're going to talk about. So, here's the list of topics that we have heat up for you today, we'll try to get through all of them. So, there'll be where we're presenting this topic. That's quite frankly, the term I use is a mile wide kilometer and a half wide, and a few centimeters deep. So, we're not going to go in depth in any topic. We'll, we think we might do that in future issue forums, depending on interest where we can really dig into some of the topics. And I have to say, even in the past day or so, there's been developments on some of these, which is exciting to know about and we'll learn about a little bit of that today.

So, Benjamin welcomed us. I've done a brief introduction. So, I think we can get right to it. Now before we start, I do have to say something about process. We have a lot to cover. And I am sadly for you I think, maybe for me as well at the end, going to channel my inner taskmaster. So, I will be managing the time. I know that there's kind of this concept, and we have a practice of allowing as many questions until we exhaust the topic completely, but I think our ambition is to get through the subject. So, I'm going to limit questions to, if you really need to know something about the topic that was just presented, then we'll be able to entertain a question or so we are going to move. Kathy?

KATHY KLEIMAN: So, Ken, you saying kind of a point of information if you don't understand the definition or the framework or the structure, you can kind of ask a clarifying question, but other than that, we're not going to debate it until the end.

KENNETH HERMAN: That puts it very succinctly, Kathy, thank you for sharing those words, which I did write down yesterday, but now that I've shared my screen, I can't look at my notes. So, thank you for that it's exactly what we're going to do. If you have a point of information or question, we'll deal with it, but otherwise, please forgive me if I say, can we please move on to the next topic. Okay, with that, let's dig in.

We're going to start with the topic of DNS Abuse mitigation mechanisms and I'm going to turn that over to Peter. Thank you, Peter.

PETER TAIWO: Yeah, thank you so much, Ken. Let me just start by saying, I'm a servant of the NCSG because I serve on the council. And Ken says that he's not a lawyer. I'm not a lawyer either and I don't have a degree. So, I would just speak from the value of the non-commercial stakeholder perspective on what we mean by DNS mitigation. So, simply put, is the way registrar actually dictate, respond and prevent a DNS Abuse. And I will not go into details. I come from a technical background and also, I've done a little bit in risk assessment as well as governance and I care about human rights. I care about transparency. I care about governance.

When we're talking about the fight against DNS Abuse, different stakeholder has different meaning. And we as non-commercial stakeholder, we have our own interest and meaning when it comes to DNS Abuse and how it's been mitigated. One of the ways DNS Abuse is

being mitigated is suspension. And they just suspend the domain name without due process, without transparency, without cares about the right of registering. So, if you don't remember anything from this meeting, so what we're asking for is respect the right of registering.

And when you're suspending domain name, what are the due process that you go through? We want to know. We want a clarity of process. We want due process. We want transparency. We just don't want, oh, this domain name is facilitating phishing, is a carrier of this and you suspend it. Because if you suspend domain name, then you try to go against what we preach that the uptake of domain name, freedom of expression, you go against the transparency and due process of ICANN or the community at large of what we put together because we want freedom of expression. We want the non-state actor to be able to use domain name free of charge or freely to express their mind, to express their opinion, to share information.

You might not want the information they're sharing. You might not agree with it, but we want them to be able to share this information. So, we care about that. And we don't want as a result of your own intention to suspend that domain name because you think it doesn't align with your value. So, we as the non-commercial stakeholder, we care about the rights of registrant people. Like Ken says that he has a domain name. I have a domain name. I'm sure that every person here has a domain name.

And if you don't, I'm sure that you're going to have, whether for business or whatever, but what we don't want is, or what you don't

want is somebody taking down your own domain without asking you, without following the due process, or because you don't know the technicality of how this work. I'm a technical person, cybersecurity person. And somebody hijack your domain name and use it for something, or maybe like it's part of the botnet and trying to facilitate. And you don't know. And because of that, and you have a cost that you're trying to achieve, your objective, and somebody just without following the due process and just shut down the domain name.

So, what will happen is going to cost you a lot of recovery costs. It's going to cost you, lose your information. And if you don't know, maybe it's expired and you don't know. You have to start from the beginning. So, we care about the rights of these registrants, and we don't want registrants to suspend domain name without having to go through the right process. And how do we ensure this is done? What we're asking for is human rights impact assessment.

We want you to go to have a due process to be able to evaluate the process. I'm sure that if you have a human rights impact assessment embedded into the process, then it can help you, it can help us, because it's everybody. It's a fight that we're all doing. We also care about DNS Abuse, but we want a transparency. We want you to be able to have the holistic view of the situation before you suspend domain name. And this is why we're here. I'm sure that we all are familiar about this topic. And most of us are the experts in this topic. So, here is our cause, is what we're fighting, is what we are putting on the table. So, if human rights impact assessment has not been considered before, we want that to be considered. So, over to you, Ken.

KENNETH HERMAN: Indeed. Thank you, Peter. So, where do we stand with that call for a human rights impact assessment before any action is taken?

PETER TAIWO: For now, we're still advocating for that. So, we want, because this conversation is currently ongoing in the ICANN community and we're pushing for this to be part of the process. I don't think that has been really part of the process embedded in the process. And that's why we're bringing it now to the table. There has been some collaboration between the NCSG and the CPAs, and we have been talking about this, but we're also bringing this to the table. If that has not been considered, then it is time for us to consider impact assessment to be able to understand the holistic view of the fight.

We have a lot of ways of fighting DNS Abuse, but one aspect is domain name suspension, but we just don't want that to be suspended. I don't know if that's really helpful.

KENNETH HERMAN: Thank you. It's helpful. Any questions that pertain to this that-- Benjamin?

BENJAMIN AKINMOYEJE: Thank you. Benjamin, for the records. So, I just want to encourage people who are speaking today to please reduce their acronyms. So, for example, CPH. So, we have newbies in our midst. So, please. And

then, are there any policy going on right now that these issues are being considered?

KENNETH HERMAN: Thanks, Benjamin. A point of information. If there's no clarification needed for Peter, I'm going to stay with you, Peter, because I think you're also talking about our next topic on law enforcement requests. Can you speak to that?

PETER TAIWO: Yeah, thank you so much. Then we're talking about RDRS. No. Registration Data Request Service. So, a bit background on that. So, when we talked about RDRS, let's just say it's a ticketing system where people can request with data that is non-public. And one thing that we were saying is that law enforcement regulator, people that need access to WHOIS data that is not public, they can get access to it, but law enforcement agency has been an actual requesting for WHOIS data for whatever reason.

They're requesting, they need access to this. And registrar has been one of like a stakeholder that law enforcement actually goes to. And RDRS system is a way where is implemented by ICANN to be able to ensure that they can track who is requesting for this service. So, for the current system, actually, our registry dealt with this request on their own discretion. So, at the local level, at the global level, they treat it based on the local law or whatever else that is available.

So, what we're asking for also is that these law enforcement agencies, actually, or the request that comes from these people will need to be made public. So, because we want transparency in this. So, there was a recent sharing that Emmanuel actually sent to the NCSG list. And NCSG list about Tucows actually made a publication about law enforcement agency request. And this is what we want all registrars to do to publish all requests coming from law enforcement agency. And from there, we can see different country.

And one aspect of this is that the registrar actually treats this differently based on the guidance, the local law, the regulations that is available. And we want transparency in this process. We want to know who is requesting for WHOIS data and for what purpose. So, we want that to be made public and transparent to everybody. So, we as a non-commercial stakeholder, we want to know this. We want to know who is accessing and why they are doing this. Thank you, Kathy.

So, we want to know why and what's the purpose behind this. So, we want to know this information, we want to have access, we want to have the statistics of this, even per region, and even the economy in different regions that are requesting for this data. Let's get to know this law enforcement agency regulator or whatsoever that is requesting for this data that is hiding, that don't want their names to be known. We want to know that. We want to know the statistics of this information.

KENNETH HERMAN: Thank you, Peter. Yes, Kathy.

KATHY KLEIMAN: But there's another why, Peter. Kathy Kleiman. Why do we want to know this? What are we looking for? What are we concerned about? What special thing from the Noncommercial Stakeholder Group are we concerned about? I'm happy to answer it, but, I mean, is there an example of something that Farsi in particular, who's really leading this, there's a voice in the background, to share? We're concerned because we represent political speech, minority speech, racial speech, ethnic speech. And we know that some of our groups that we would represent have been persecuted from across borders.

What they're doing is legal in the country that they're in, but maybe illegal in another country. And free expression, this is the nature of free expression around the world. And so, if we're going to track any kind of abuse of the RDRS system, or getting this information in a way that in general we might think is not legal, or collectively the world might think is not legal, we need to know what's happening. We need to be able to track that. So, I just wanted to share that from years of experience tracking in this area. Thanks.

PETER TAIWO: Yeah, thank you so much. If I can respond to that, Chair. So, thanks for that comment, Kathy. So, I can tie that to the DNS Abuse as well, because it's still the same thing. What is legal in the United States might not be legal in African countries. So, law enforcement can request for domain name, or whatever things to suspend that because they think that this is not accurate. This is not aligned to the intention of value.

So, we want to know why they are requesting for that, and why they want to suspend that information.

So, we need those statistics for us to be able to understand, is my government actually trailing me? Or where is the requesting coming from? Is it the government in Nigeria don't want freedom of expression, or they don't want the press to be able to like go public about whatever things, OGP, government data is being available. So, these are the things that we want to know. The two topics actually ties together to each of that. So, these and thanks for sharing that. These are the way that we care about knowing these statistics, this information, who is requesting this information. Thank you.

KENNETH HERMAN: Okay, thanks so much. We have a question in the chat. John, I'll get to you in a moment, but Amanda, you have a question for here. Did you--? Ephraim, sorry, Ephraim. You're online, Ephraim. You want to take the floor?

EPHRAIM PERCY KENYANITO: Hi, everyone. This is Ephraim. Can you guys hear me?

KENNETH HERMAN: Yes, can hear you well. Thank you.

EPHRAIM PERCY KENYANITO: Perfect. Sorry, I couldn't be there physically, but it's something maybe to add and maybe to point out. It's not a question, but just to give some context. There was a question regarding, I think it was from, just one second, from June. Like, where are these conversations being held? So, these conversations have been held for a while. And to give context, which I'm aware of. So, my name is Ephraim. I'm from Kenya. I am a lawyer, a disclaimer. And I've been tracking this process for a while, researching, writing about it, and advocating a bit.

So, one is October 2016, the Human Rights Code was added to the bylaws. And human rights are universal for those who follow international law. They are universal, regardless whether you are black, you're white. We are talking about human rights here, which we should not derogate to say that the comment that this right might apply to the US and other parts. Yes, some things are twisted a bit in some contexts when there's different legal regimes, but then human rights are supposed to be universal, whatever color, whatever gender you are.

So, the ICANN bylaw was added in 2016 after a lot of effort from a lot of people, Kathy, Milton, many people who've been there, gurus that have been writing and publishing and pushing for this to happen. And it finally happened, but then implementation did not happen until when all the organizations agreed and approved the Workstream 2 final report in November 2018, but then despite the approval of this Workstream 2 final report, it took another full year for the board to approve, which is November 2019.

By then, historically, there was already other registry, registrar agreements with ICANN, which some of them have to be relooked in terms of whether they comply with this human rights core value. So, the conversation shouldn't go to the extent of this registry, this registrar should do this because some of them have different standards. We've seen SIDM in Netherlands, we've seen Black Knight, we've seen PIR do human rights impact assessments of their own registry, but this is not a standard way. And team and very many people are pushing for the board--

KENNETH HERMAN: Yeah, Ephraim, you're breaking up a bit.

ANDREA GLANDON: Sorry. Ephraim, you're breaking up, so it may be better for you to turn off your video.

EPHRAIM PERCY KENYANITO: Sorry.

ANDREA GLANDON: Ephraim, we're losing you in and out, so it may be better for you to turn off your video.

EPHRAIM PERCY KENYANITO: Okay, I've turned off. Can you guys hear me? Can you hear me?

ANDREA GLANDON: Yes, we can hear you now. Go ahead.

EPHRAIM PERCY KENYANITO: Perfect. Yes, I can hear you guys. What was happening is a year ago, there was a continuous implementation group or committee that was working towards continuous implementation for GNSO. And there were conversations regarding improving this, ensuring human rights is considered in every policy framework. I don't know how that went, but it's something I want to plug out. And then there is some work happening with cross-community working part of human rights, but as I mentioned, we need more people in multi-participation, but, yeah, my network is a bit bad. I think I'm going to write on the comments, but good to see everyone online. I'll just be writing I think on the chat. Thank you.

KENNETH HERMAN: Thank you. John I'm not quite sure that answered your question. Perhaps we can come back to that, because I see your additional comment in the question in the, in the chat. So, we'll put set that aside and move on. And hopefully come back to get a better understanding of where that conversation is happening. Thanks so much. So, we're moving on to our next topic. Thank you, Peter, for the for the briefing on law enforcement if there's no other questions on or points of information on that. Thank you so much.

So, I'm going to turn now to a slightly different topic. We invite Stephanie. I believe you're connected to talk to us a little bit on privacy and proxy services accreditation issues. Can you do that.

STEPHANIE PERRIN: Yes, I think I can. Can you hear me.

KENNETH HERMAN: I can hear you very well as can we all thanks go ahead.

STEPHANIE PERRIN: Wonderful. Okay, Stephanie Perrin, for the record. I prepared a few notes because I thought it would be useful in terms of the privacy proxy accreditation work to get a picture of the history here on this effort. So, I'm going to just copy a piece from my notes I didn't want to drag you all through slides, but here's a brief audit history in the chat of how this work got going. And it basically stemmed from the registrar accreditation agreement back in-- For some reason, it's not sending. Can you see in the chat, what I just pasted.

KENNETH HERMAN: No, not seeing anything in the chat just yet.

STEPHANIE PERRIN: Don't tell me they have a word limit, and they won't let me post it. I bet you that--

KENNETH HERMAN: I won't tell you that.

STEPHANIE PERRIN: Okay, yeah, don't tell me that. All right, I'll take it out and I'll see if I can put it in bit by bit. So, in any case, I'll follow through and try and paste it later. The work stemmed from the registrar accreditation agreement that took place in 2013, and that was before my time, I arrived in 2013 at ICANN, but that was the only statement of any privacy rights, and there wasn't much there. It basically said registrars ought to respect local law. And meantime there was a very difficult procedure that you had to apply to ICANN's legal counsel, if you wanted to respect legal local law. So, little bit of a conundrum there.

So, what we were recommending to our members at the time was to use privacy or proxy services to protect your domain information, otherwise it would all be up in the open web. So, many people did this. At the time, many registrars were charging a fee, most I think, but there are registrars on this call that might correct me there, because otherwise, you had no privacy, you couldn't count on your own law to protect you.

The group, pressured largely by the business community, they wanted to accredit these privacy proxy services that were springing up to provide this, and fair enough because a lot of it was being done through resellers, and resellers don't normally show up at ICANN. We deal with the big main players that are members of the registrars and registries

stakeholder groups, but the resellers, that could be everybody, and his dog, who is putting up websites, offering services in that regard, and they would also put their data up rather than your own data under the guise of these proxy services.

So, the group started up to set the policy in, hang on while I check my notes here. In 2015, 2013, rather, the Working Group Charter was started September 2013 from staff questions. From 2013 to 2015, the Privacy Proxy Services Accreditation Implementation, or not implementation, I'm getting ahead of myself, PDP worked on what these accreditation mechanisms ought to be, and the final report was accepted by Council in January of 2016. So, you can see how old this was.

Now, we immediately in 2016 started up an implementation review team, an IRT, which is run by staff to try to implement the final report of the committee. So, that work went from 2016 to 2019. I was on that group, but honestly, we were busy working on the new compliant with GDPR RDS policy. So, I wasn't a very good attendee of those meetings, but the work was paused in 2019 when they realized that the new work that we were doing was going to make a lot of this at least redundant. So, that's the sort of potted history. 2019, it wound down, put on hold, and now we are reopening that work.

Now, there have been several meetings where this has been discussed, and frankly, I've been saying, look, the whole thing needs to be looked at again. One of my principal objections at the time and now is that we made no distinction between a privacy service and a proxy service.

Now, that's a basic definitional foundation that lies under all of our work. Just so we're clear here, a privacy service protects your data and puts the registrar's data out there so that you are still the beneficial owner or rather holder of that domain name, but your data is not going in the public WHOIS, nor will it be obtained through the new RDS, whatever we're calling the new system, RDRS, but a proxy, you are letting a proxy take your domain. And this is very common.

Lawyers will do it for brands and stakeholders, particularly where the brands are not in use in order to keep things confidential. And in that case, there are contractual agreements behind the scenes over control of that domain name, but you're not the beneficial R&H. That's a fundamental difference in terms of registrant rights, and I don't believe we should ever have put the two together and had the same rules. So, that's just one reason.

When we did our work in the IRT, we split off into subgroups, and there was a law enforcement subgroup looking in particular at the questions and complaints of law enforcement. So, that was one of the most active subgroups that I was on. There were separate subgroups for registrar questions that they had about how this thing should be done, and for third party providers, those subcontractors that I was speaking of.

Another unfortunate, I think, issue came up. Again, you may have been listening this morning to the GAC Council meeting, this longstanding issue of whether lawyers need to declare their clients. We didn't distinguish between a lawyer who was registering domains for a client, and it seems to me that that is a particular type of proxy that raises a

bunch of fundamental issues of fairness and transparency. We hear a lot about law enforcement. I see no reason why criminals, with the kind of money they're making in cybercrime, can afford darn good lawyers. Are they registering all their domains as proxies? In which case, good luck getting it out of the lawyer under solicitor-client privilege.

So, these are fundamental issues, as far as I'm concerned, in terms of due process. However, I think we're not likely to be addressing those in the new Privacy Proxy IRT that is starting up. The first meeting will be held at this meeting on Thursday, on the 13th. I invite you all to come. I have missed the last couple of meetings, but there are basically some fundamental questions that we are starting out with. They're called threshold questions. Our goal in this, they're calling it a review team. It's not really a review team under the old sense of the word. It's a continuation of the IRT. However, the first question is, are there any policy questions or items the IRT already wants to bring to Council for guidance?

Second question, implementation model, accreditation program or alternative implementation? Now, that's a threshold question. If we're not going to go with the work that we already did in the final report, which you can look up online at the ICANN database dated, I think it's the December 2015, then how can we go ahead and implement something? We need new policy work. And a sub-question there is, can an implementation model without a formal accreditation program remain consistent with the policy recommendations? Well, obviously not, I would say.

Disclosure frameworks, intellectual property and law enforcement, which are two completely separate areas of law. I'm not a lawyer. I should have said that at the beginning. That's my usual caveat. Are these specific areas to revisit under new law policy? Can these frameworks be aligned with existing work on RDRS, registration data policy, other existing procedures, and remain consistent with the policy recommendations? Well, again, I would say no, because I think there's just too much water under the bridge. We have to review the whole thing in the context of GDPR and the work that we have done.

Now, who knows what's going to happen at this meeting? We have the opportunity to put a member and I have put my hand up and said I would be a member of this team, even though I'm going off council shortly, because I was on all these other old committees, and I don't want to lose any of the, we didn't gain a whole lot of ground, but at least I want to refresh those arguments, but we also have the right to have an NPOC rep and an alternate, and anybody can join this. It's just that when it comes down to a vote, there will be voting by representation, which is good for us because we have the two reps there. We don't have an NCSG rep. We just have an NPOC and an NCUC rep.

Now, I would say that from a policy perspective, we should still be advising all of our people to continue to use privacy proxy services. Why? Because it provides another barrier in case the registrar that you're using is not following good due process. We see wonderful reports from the ones who come to ICANN, but as they pointed out in the GAC meeting, there's 400 registrars that aren't participating in the RDRS. What are they doing? Furthermore, under local law, the law

enforcement may have absolutely no obligations vis-a-vis transparency.

There're some shocking Western democracies who are players in this area, who have very few constraints on what they can do, who have criminal charges if you ever disclose what they're looking at. Don't assume that you have the kind of rights that you see on American TV programs. Americans are not great at human rights. However, they do have pretty good criminal lawyers who have managed to get really good disclosure provisions in there in terms of due process for criminal proceedings. Take nothing for granted. Sorry, Americans, if I'm tramping on your human rights provisions.

Use privacy proxy services and do everything you can. Furthermore, it's free now because once GDPR came in and gave people rights to access their data, you can hardly charge people to protect it when it shouldn't be disclosed in the first place. Since most of these services are free, use them. You're calling time, are you, Ken?

KENNETH HERMAN: One last point.

STEPHANIE PERRIN: If you don't know how good your human rights framework is, may I put in a plug for lobbying to get your country to sign on to the Council of Europe Convention 108+, which will bind them, if they're a signatory, to respect the human rights that is encoded in Convention 108+. That's the privacy convention, and it has been upgraded since GDPR, and it has AI

provisions in it. So, quite frankly, I lobby for Canada to become a signatory. We've signed on to the Cybercrime Convention, but we have not signed on to Convention 108. So, you have cybercrime incursions for law enforcement without the human rights protection. Thank you.

KENNETH HERMAN: Thanks, Stephanie.

STEPHANIE PERRIN: That's enough. I'll see if I can post on that Google Doc.

KENNETH HERMAN: Yeah, that'd be great. We do have one or two hands here. Tomslin?

TOMSLIN SAMME-NLAR: Thanks, Ken. Questions, Stephanie. I have two actually. If Ken can allow me. The first one, did you say the recommendations as written today do not make that difference between privacy service and proxy services?

KENNETH HERMAN: Did you get that, Stephanie?

STEPHANIE PERRIN: Sorry, I shouldn't have muted myself. No, they don't. We lumped them together in that original group.

TOMSLIN SAMME-NLAR: Okay, thanks. So, if I understand correctly then, with the new IRT that's been kicked off, or that's kicking off, because you're looking at the threshold questions, it's only past those that you will start looking at those policy questions or issues in the recommendations. Is that correct?

STEPHANIE PERRIN: Well, to be honest, I'm not really clear over how staff came up with those threshold questions. They're not bad threshold questions, don't get me wrong, but there's many other questions, and the definitions, I would argue, are one of them. I'm going to be raising them under item 1, definitely. And that means a rather exhaustive review of the final report is required prior to us getting down to submitting our issues, those policy questions.

So, have I done that homework yet? No. Can I remember everything that went into that, because it was nearly 10 years ago? Absolutely not. I'd be turning to Kathy to help me remember why this didn't-- Bear in mind that we don't always get our issues showing up in the final report in NCSG. We can fight, we can make noise in every single meeting, doesn't mean it gets into the final report. So, reading the final report may not bring everything back. I may have to go over our arguments, and that's extremely painful.

KENNETH HERMAN: I'm sure we'll have an opportunity to discuss it amongst ourselves in more depth, but thanks, Stephanie. Benjamin, you have a quick question?

BENJAMIN AKINMOYEJE: Thank you. Again, I just wanted to ask Stephanie, I heard you say HR, H and R, what does that mean? Or do you mean human rights? There are people who these acronyms are flying over their heads, including me, then IRT as well. So, could you please always tell us the meanings of these words, these acronyms? Thank you.

STEPHANIE PERRIN: Absolutely. And I'm very sorry, I did mean HR if I was typing in chat, human rights, not human relations.

KENNETH HERMAN: Human rights, right. And IRT is?

STEPHANIE PERRIN: Implementation Review Team. Members need to remember that once the final policy report is tabled and accepted by council and accepted by the board, the implementation is led by staff. And the assumption is no more policy work is required. And that's really what we're quibbling about here.

KENNETH HERMAN: Yeah, sometimes they don't always comply. Thanks so much, Stephanie. We're going to move on now to our next topic. And as you see on the shared screen, we're inviting Kathy to give us a little bit more on RVCs. Go ahead, Kathy.

KATHY KLEIMAN: Time check. Let me make sure I have 10 minutes. Is that still-- okay? So, first, thank you, Ken and everyone and Benjamin, everyone who organized this panel. Issues forms are really important. And this is a great review. Thank you, Stephanie. I believe it's 5:30 in the morning your time. So, thank you for being here. And I think you've been up for hours. So, terrific. And PPS, all the things we're discussing are really, really important. And I hope Ken will post the agenda again at the end so we can see the range of topics that we covered today, which is extraordinary.

My job is to tell you a little bit about registry voluntary commitments and threats to registrant rights. And I have a lot of slides. I'm not going to cover most of what's on them. They're mostly there for people who want some background. If you don't know this topic and you want some background, it's in there. Download the slides later. Andrea will make them available. Right, Andrea? Thank you. And there will be some background there for you. I am at American University Washington College of Law in an incredible thing called the Program on Information Justice and Intellectual Property. And in the U.S. under law, we would call it civil liberties, not human rights, but it's the same thing. And we overlap. So, you may hear me using both terms.

Okay, registry voluntary commitments. Here's what we're going to talk about. Very briefly, ICANN's mission and scope, a quick history of what happened in round one starting in 2012 and what's happening today, and particularly how it impacts NGOs, civil society, and noncommercial users and uses. As everyone knows, and it's a theme here at this ICANN and many ICANNs, ICANN has a limited scope and mission. And we agreed to follow four principles when ICANN took the delegation of the critical Internet identifiers from the U.S. Department of Commerce. Stability, competition, private bottom-up coordination, and we discarded that silly term and now use multi-stakeholder model, and representation.

In this case, representation is ICANN being a representative of what we do in other forums around the world. So, these principles were adopted in 2016 and made clearer and more clearly expressed in 2016 when ICANN got its independence. So, ICANN's bylaws reflect this commitment to the multi-stakeholder model, to our policy development process, to competition, and our bylaws expressly exclude content regulation.

So, quick history of registry voluntary commitments. They were never, ever created as part of the policy development process for new gTLDs, but some of the GAC requests came out in 2012, and there were different opinions, even in NCSG, but I will say my personal opinion is, they were not unreasonable. And some of them asked for sensitive strings to be treated in a special way, so that unless you're a doctor, and I'm not, I can't go into that doctor. Hotels in Europe, Germany was very clear in its early warnings that hotels are heavily regulated. Charities, if

we're giving to a charity, we want to know it's a legitimate charity under its laws, but then Fadi Shahadi, who was our CEO, he wanted to create a place in the contract for these GAC requests, and I understand that, but then he opened up a rat's hole, and he said any registry applicant could put in anything they wanted.

There were no guidelines for review, no conditions, no limitations. And I have to tell you, he didn't read a single word of it I asked him. And they got put into the registry contracts. What lawyer does not read what goes into a registry contract? I'm still appalled when I think about it. You can read, I have a Circle ID piece called The Sad History of Private PICs. Anyway, they were called private public interest commitments, a complete misnomer, because many of them were unbalanced, anti-competitive, one-sided, and unfair. So, I insisted in SubPro, read it. I think it was me, that we have to rename them. I don't like public interest in this. So, we call them registry voluntary commitments.

And now when you hear RVCs, you will hear about both accommodating future GAC requests and also the requests that registries want to put in on their own, without something coming in from a GAC early warning or consensus advice. It has both in it. So, a funny thing happened. In the subsequent procedures, policy development process working group, that's in the first line of A, just so you can see the full thing, we call it SubPro. And somehow everyone, well, everyone agreed we needed RVCs for GAC requests, appropriate GAC requests, but some of us thought we needed a very narrowly tailored rule for RVCs, but the subsequent procedures working group had a different opinion.

Majority kind of said we should have, we should let anyone have any RVCs that they wanted, even if they violate the ICANN bylaws.

Again, I'm going through history very quickly because I want to get to the present. If you want to dive into this, I can give you links, you can find out more. Needless to say, we filed a strong minority statement. And said, hey, certain things that you could put into these RVCs, maybe in 2012 we weren't quite clear, but it's after 2016. And we know that content, sorry, content and competition are clearly areas outside of the scope and mission of ICANN, certain types of competition. There's no clear path for reviewing these RVCs. That's from that minority report.

So, basically, let's go down to what we're really here for. And sorry for the quick rush through that. Why are RVCs, why can they be a human rights risk? And I only have the slide because Ken asked me yesterday. So, thank you for getting me to think about it that clearly. So, if anyone can write anything into their registry voluntary commitment and make it part of the ICANN contract, then you can see people, registries, whoops. Writing, you can envision, and we talked about this, if anyone was at the big session in Puerto Rico, you can envision commitments to do things that are against free expression.

That are against freedom of assembly, who might naturally want to come into that group. That create risk for vulnerable individuals and groups, minority, religious and ethnic groups. Exactly what Peter and I were talking about under the DNS Abuse. ICANN shouldn't be accepting or enforcing such private policies. So, to that end, at ICANN77, a year ago in Washington, D.C., at these very issues forum, thanks to Benjamin,

we created a path forward. And Milton and I set out six principles for review and acceptance of RVCs and future rounds of new gTLDs, consistent with ICANN's fundamental bylaws, core values and commitments. And now I am going to read the slide.

Number one, all RVCs must be submitted for a purpose within the scope and mission of ICANN. Number two, all RVCs must be legal under the laws of the jurisdictions of ICANN and the registry and consistent with ICANN's core values and fundamental commitments. So, if there are laws in your country and you're the registry applicant that mean that you can't discriminate in certain ways, make sure that you don't violate that in your contract. It's a good contract law. Number three, all RVCs must show a clear nexus, a clear connection between the proposed RVC and the specific gTLD string applied for.

Don't be making policy consensus don't be making policy across many, many gTLDs in an RVC. That's what the ICANN multi-stakeholder model is for. Do something, if you have a DOT tax, you can have an RVC, maybe the GAC will encourage you to make sure that that's tax accountants or tax preparers, but this isn't a place to create massively broad intellectual property rules that don't apply to DOT tax in particular. So, number four, RVCs must not contradict or overrule the scope or output of the completed GNSO PDP policy development process. And the last example applies to this.

Number five, all RVCs must be enforced by ICANN's PICDRP, which is still using the old word, Public Interest Commitment Dispute Resolution Procedure. And we don't like registry-specified third-party dispute

providers. I'm not going to go into it. It's something that's been suggested, and then we have a number six, a procedural principle. None of this should be done in the dark. It should all go out for public review and in three steps.

First, ICANN legal. Somebody has to read these things. Is it legal? Is it consistent with these principles, with the ICANN bylaws? Two. I think, we think, Milton and I think it should come to, who's our councilors in the room? Who are councilors in the room? We think it should come to you in the council. And, well, you're not our, but a NomCom councilor for all of us. Come to you guys check it out? See if there's consensus approval of each RVC. Let's shine light on these things.

And third, it should go up to the board and make sure that it meets the principles we've set out. We should be closely reviewing these RVCs before they are accepted and signed into the ICANN contract. Oh, and a happy note. This is another new slide. Progress is being made. In 2023, the board told the GNSO council that all RVCs must be within the bylaws. So, that was a big win. In this past weekend, the board decided that RVCs could not include content. Another big, big win. So, we're making progress. Please join us. And thank you.

KENNETH HERMAN: Thank you, Kathy. Exciting developments. And you are actually exactly on 10 minutes. Extraordinary. Any questions for Kathy substance? Yeah, the one at the end. Identify yourself.

VIDYA: Hello. Thank you, Kathy, for the share. Vidya [ph] for the record. I'm a fellow. I have a question about what you just shared. It's very interesting that the word commitment is used here. And I want to raise a point earlier about I think it's point number three on how it was agreed by ICANN. Anyway, I'm just going to read it. Yeah, that one. Number three is that all RFCs must show a clear nexus between proposed RFCs and the specific gTLD string applied for.

How does exactly the nexus is defined as a clear nexus? Is there like a particular measurement to show that this is how it's supposed to be? Because as you mentioned earlier, also that it has been quite a talk about whether or not ICANN should be going into this. So, how should the clear nexus be measured in terms of whether or not it is against or not against a specific gTLD that is applied for? I hope that's clear enough from my side. Thank you.

KATHY KLEIMAN: What is your first name, please?

VIDYA: Vidya.

KATHY KLEIMAN: Vidya, thank you for an excellent question and for following this so closely. We could spend the next hour answering that question. And so, and Ken won't let me. So, that's what hallway conversations are for. And so, I'm going to give you a short answer and let's go into the longer

answer later. The reason I jumped from the nexus point to this slide is because we can see that Dr. Hotel Charity, you don't have to look at the content to know who wants to go into these strings. What you have to do is look at the credential. Who's going in? So, for a number of these strings and I can't tell you directly it's not Dr. Hotel Charity.

I'm using these as examples, but you can check and I know that registrars and other groups that they outsource to and are working with are checking credentials on many, many of the sensitive strings that the GAC identified and they identified a lot in the first round. DOT CPA, DOT attorney. So, you can track the credential before they register. And then when they come in, they are bound by at least I am bound by the rules of my association as a lawyer, I represent myself in a certain way. As hotels, the German government wanted credentialed hotels that abide by certain public accommodation rules.

So, this is what we're talking about, is checking the credential. You don't have to check the words, kind of check them at the gate at when they register and when they renew. So, that's one way to do it, but it's going to be a case-by-case basis and that's why we want all sorts of review. I'm not sure we can answer everything up front. But excellent question. Thank you for following everything so closely.

KENNETH HERMAN: Thanks, Kathy. Thanks also for the question. Ken Herman again for the record. I'm going to move things forward. We have just under a half an hour left to our session and a couple of very critical issues that we do want to talk about. The next item on the agenda was about registrars.

We're transfer issues, transfer policy because transfer policy is going on. I was going to speak about that. I'm just going to and I had a few slides, but I'm not going to bother with them in the name of time.

So, just briefly, I was preparing to talk about some of the background on the transfer policy review started in 2021. The GNSO adopted the PDP. There are a range of issues, including the authorization for transfers, denying transfers, bulk transfers. Some of the issues that I was going to highlight here and can have to do with the discussions within the transfer policy. Notifications have been a topic. Notifications to registered name holders is what I mean. And there are more of them in the recommendations within the working group.

Examples of authorization that there's a notice of transfer authorization sent to the R&H within 10 minutes of that issue that's changed the whole process of doing authorization for transfers has changed. That happened because of the privacy rules. So, the off codes and who gets what naming information was re-evaluated. And that instigated a whole discussion about how we notify and who we notify and how quickly. So, notifications have improved. There was a lot of changes to transfer restrictions. These are otherwise known as locks, but technically they're transferred. They've standardized some of the terms, meaning the time limit using hours instead of days.

An example of some of the changes are transfer restrictions after initial registration used to be that registrars were allowed to impose 60-day restriction. And I understand that was not mandatory, although I'm not clear about that. Now it is going to be 30 days mandatory. And this they

felt was enough time to deal with things like payment issues and filing UDRP complaints. Another restriction after transfer, if you've transferred to a new registrar, that was also an inconsistently applied transfer restriction. Now it's going to be mandatory 3 days, although there can be some exceptions regarding that.

There was also a discussion about a very arcane policy on the transfer dispute resolution. This was a policy sort of between registrars and it's being discussed whether registrants would have access to this mechanism. An example is where a transfer was made according to policy, according to legally, except that in cases where the registrant's account had been compromised. So, if my account with my registrar has been compromised and a transfer was issued, I wouldn't have any recourse to deal with this and the registrars may not care.

So, there was some discussion within the working group about whether this should be allowed to be initiated by a registrant. That would entail a new policy work and new development work, which the organization would have to discuss. So, that's kind of the long and short of it. I do want to keep it short and maybe we can discuss transfer policy in more detail at a later time. But I do want to move to many more interesting topics. And one of them is the registrar's and the registry's measures to protect registrant rights. We have with us virtually a member of that group and we have a presentation that we're going to give. And this is going to be by Brian. Brian, are you online?

BRIAN CIMBOLIC: I'm in the room.

KENNETH HERMAN: You're in the room. Oh, you are in the room. Sorry. Even better.

BRIAN CIMBOLIC: No problem.

KENNETH HERMAN: So, Brian, let's see. I can share your slides, which was shared with me. And I'm going to share my screen in a moment and then you can tell me how to-- Let's see, where? Just give me a moment to find your slides here. Here we go.

BRIAN CIMBOLIC: And while you're doing that, I'll just introduce myself. Hi, everyone. I'm Brian Cimbolic. I'm with Public Interest Registry, PIR, the registry for .org, and several other mission driven TLDs. I'm here today to speak about some of the protections that we have in place for registrants in our TLDs. So, something we've heard about already is human rights impact assessments.

So, in 2019 into 2020, PIR conducted an HRIA on not just our abuse practices, but that was certainly something that was a big focus of it. We try and be a leader on DNS Abuse management. What does responsible look like? Responsible doesn't just look like suspending a bunch of domain names. It means having in place processes to ensure due process and things like transparency reporting. I'm going to run

through this pretty quickly because I know we have additional presentations.

And so out of that came out of the human rights impact assessment. We changed a number of our practices consistent with the recommendations from Article 19, I saw Ephraim McCall, and the Danish Institute of Human Rights. But one of the documents that we codified as a result of that process was we've always had an anti-abuse policy, but what we previously didn't have was the anti-abuse principles. And that really informs the why and the how we do what we do on abuse.

And so, that includes a commitment to registrant free expression, subject of course to the terms of the abuse policy, a commitment to transparency reporting, and finally, commitment to due process, which we'll get to momentarily, as well as an understanding that when we take action using the DNS, particularly if it's anything having to do with website content issues, that we're very cognizant of the collateral damage that can occur if and when we take that action.

If we could go back just one, please. So, one of the first things that we implemented after this, the HRIA was transparency reporting. So, our policy actually requires that we do this quarterly, but we do it once a month where we update on our website all metrics as far as DNS Abuse, takedowns, anything you could ask for. So, we track DNS Abuse, both suspensions at the registry level, as well as at the registrar level for referrals that we send to them for DNS Abuse. So, things like phishing, malware, botnet, spam, et cetera. We publish the number of domains

that are impacted for via court orders to include both intellectual property enforcement as well as botnets. And we track those separately because botnets, for example, when we get a court order for a botnet, we may have tens of thousands of domains for one court order. So, it makes it look like it could really skew the numbers. So, we track those separately.

Finally, we do in our anti-abuse policy, it focuses predominantly on DNS Abuse, technical harms, but there are categories of website content abuses where the scale of harms is so great that we do take some action to include child sexual abuse material, fraudulent fundraising sites from the Red Cross. We have a trusted notifier relationship in place with them. Opioids and narcotics distributions, we work with the U.S. Food and Drug Administration identifying those sites. And then others, which is broad, but this is not a frequently used category, but I'll give you an example. Just recently, there was a website that the FBI brought to our attention that the only content on it was calling for the assassination of a judge in a public case right now, his daughter and the district attorney that was involved in the case. And that was the only content on the site.

So, we felt very comfortable taking action, suspending that domain name. But to give you some context, while we do have the website content abuses, we recognize that generally the DNS isn't the place for this. So, DNS Abuse in 2023, between the registry and registrar, we actioned roughly 1,300 domains for DNS Abuse. These limited categories of website content abuse in all of 2023 was 21. So, just for context.

So, the other thing we did was we instituted a formal appeals process. So, any registrant for our TLDs can challenge a decision that we make under our anti-abuse policy. There is a cost associated with this formal appeals process. PIR will subsidize and pay more than half. And if the registrant is successful, they won't pay anything at all. But we've actually haven't had to go through the formal process because we require that the registrant sort of, to use an administrative law term in the U. S., exhaust its remedies, that they can't just go to the neutral third party. They have to come say, hey, PIR, I think you made a mistake. I think that this suspension that you did, you shouldn't have suspended it. We would like you to review the case.

And we often do take a look at the cases that registrants come to us, say, oftentimes it's something as simple as something looks like a slam dunk phishing case. And it was a security training test, like where people are and so they're legitimate companies that are setting things up to look like phishes. And so, we will reverse the suspension of those. So, while we have this formal appeal process in place, we actually haven't had to use it, but we always make registrants aware of it when they come and ask us about reversing suspensions. But again, we haven't had to go through that formal process yet.

Finally, I just want to note one of the things, one of the protections that we've implemented was part of just this sort of change in philosophy where previously we, and I think a big chunk of the industry, relied on things called reputation block lists for to identify domains engaged at DNS Abuse, things like SpamHouse and Serble. And those lists have their place, but we've made the determination that their place is not for

using to mitigate DNS Abuse at the domain name level. And I'll give you examples why. So, we've received reputation block lists that included names in .org that not only weren't currently registered, but had never been registered. That someone registered a name bad domain dot something. And since it was bad domain dot something, they said, well, if that's ever registered in .org, it necessarily means it must be bad.

And so, while that may actually be a useful tool for things like network blocking, it isn't appropriate for suspension at the domain name level. So, we've moved to evidence-based reporting. So, anytime we send a registrar something saying that there's clearly phishing going on, we provide screenshots. So, this is a protection for registrants in some ways, because it really, really reduces the potential for false positives. I think that was it. I know that there's other presentations, so I wanted to take any questions, but also wanted to get through that relatively quickly. Thank you.

KENNETH HERMAN: Thank you, Brian. Great, comprehensive and very quick presentations to review a lot of stuff. Tomslin, you have a question. I do.

TOMSLIN SAMME-NLAR: Thanks, Brian, for the presentation. I just had one question on your transparency. In your transparency reporting, do you publish the sources of the court orders and enforcement requests?

BRIAN CIMBOLIC: We do not right now. And I'm going to post in the chat the link to our transparency reporting. It's just aggregated the raw number over the years. So, no, we don't get that granular.

TOMSLIN SAMME-NLAR: Is that something you could consider?

BRIAN CIMBOLIC: Potentially, because we're a global registry, we do get orders from around the world, and we make determinations as to whether or not is it consistent with public policy? Is it consistent with our policy? Overwhelmingly, while gTLDs, it's a global TLD, we are a U.S. company. So, overwhelmingly, I'm off the cuff, I would say 95% plus, probably closer to 99% over the last five years of court orders that we receive are U.S.-based. And volume-wise, I'll say, too, that the frequency of court orders, the majority of court orders we receive are for intellectual property enforcement, but if you look at it at domain name level, when we get law enforcement seizures for court orders, they tend to have, it's less frequent, but higher impact. They'll have up to thousands of domains. So, the frequency of the court orders is typically U.S. civil enforcement of IP interests, if that's helpful.

KENNETH HERMAN: Thank you. Peter, do you have a question?

PETER TAIWO: Yeah. Thank you so much for that presentation and giving us overview of what PR is actually doing. So, I'm just interested in the evidence-based practices that you touch on. Could you elaborate more on that and the process, instead of just only screenshot, and are there any process that you go through that you call it evidence-based practices? Because in research, it actually means differently, right?

BRIAN CIMBOLIC: Sure. Yeah, it's a great question. And it's going to actually end up with me plugging our anti-abuse vendors is an organization called Clean DNS. And so, something that makes them a little bit different is that there's never going to be a referral that is made to a registrar. Because usually, by and large, and Michele can correct me if he thinks I'm wrong, but generally speaking, when registries make referrals for DNS Abuse, they go through the registrar because the registrar is closer to the registrar and it's their customer. And so those referrals don't get made to the registrar until and unless an actual human has reviewed the potential threat.

And so, someone, a security researcher actually goes in, reviews, grabs screenshot, gets email headers, and so is actually collating the information in a way that makes the domain much more actionable, as opposed to there is a subset or not a subset. A large chunk of the DNS continues to just rely on reputation block lists. And if something is on one of these lists, they then take it as that's good enough evidence that you can suspend the domain name. So, we want to make sure that for our registrar's sake, for our registrant's sake, that if we are sort of

recommending a domain gets suspended, that we've dotted our I's and crossed our T's. I did want to also just briefly give a plug for Identity Digital also does a really nice job on transparency reporting, as do several ccTLDs like Nominet and others. Thanks.

KENNETH HERMAN: Thanks so much. I'll take one more question. Mallory, you're online. You have your raised hand. Take the floor. You're muted.

MALLORY: Hi, everyone. Thanks so much for the presentation. I had two quick questions to clarify from your slides. You haven't mentioned it. So, I was wondering, one, about how you handle gag orders. And two, it sounds like for some of the content listed on the slide that was CSAM, narcotics, et cetera, that you're actually proactively looking for that, or are you just passively reacting to reports that come your way? Thanks.

BRIAN CIMBOLIC: Great question. I'll take them in reverse order if that's okay, because the answer to the second is a little clearer. You're right. We do proactively look for that content, and we use partners to do so. So, we work with the Internet Watch Foundation, which is a UK-based charity, and watchdog agency that actually has a memorandum of understanding with the UK government so that their team can search for CSAM, because it's illegal, at least in the U. S., for me or my team to review or look at CSAM.

So, we work with the IWF to proactively search for CSAM in our TLDs. We also just created a partnership where any other TLD can take advantage of those services. And the same is true with the U.S. Food and Drug Administration for opioids and others. But there's both the proactive and reactive components. The question on gag orders. Assuming what I'm inferring from this is that you're talking about court orders where you're told to redirect or seize a domain, but not notify the registrar.

If there is something that is handed to us under seal, we will abide by that. And if a registrar asks what happened to these domain names, we will check to see with the relevant law enforcement agency, can we at least disclose that there was an order without providing it? And typically, they do allow us to do so. But we abide by those under seal orders.

KENNETH HERMAN: Thank you. Thanks so much. And so, thanks, Brian, for being here and for giving the registrar and Red Street perspective on that. We only have about five minutes left, but I do want to get in. We do have a topic on sort of an African regional perspective. Is June in the room? Yes, June. June, can you come and talk to us for a few minutes? I know it's a bit tight for time, but June, you are partially responsible for an Africa domain name industry study from last year. And some of that had some impact on registrant rights. Can you share with us some of that?

JUNE OKAL: Yeah, thanks, Ken. And hi, everyone. Thank you for having us. My name is June Okal. I'm the senior manager with the global stakeholder engagement team supporting Eastern and Southern Africa. You're right. We just announced and published the Africa domain name system, the Africa DNS domain name systems industry study for Africa covers the whole region and the whole continent. This is updated from the earlier version that we had published and shared in 2016.

This was a specific ask from the African community because they did want to understand what the ecosystem looks like in order to make evidence-based decisions. So, we have just published that. And better than answer your question, I'll actually invite you to come to Africa space tomorrow, which is what we'll be discussing. We'll be discussing the whole report. And you can specifically ask our consultants on that question. So, you're welcome to come for that tomorrow at three thirty. But great strides on the continent on behalf of the community. Thanks.

KENNETH HERMAN: Thanks so much. Is there anything that stands out in your minds about the registrants and perhaps the registrant environment or industry or about rights for registrants in general? Is there anything that you're concerned? No, not really.

JUNE OKAL: So, in my other life, I was involved in HRA and content moderation and all that research that we've done. As you know, in the ecosystem, it's always difficult to make those direct correlations when it comes to on

an abuse matters and how that intersects with the DNS. So, that is at a high level mentioned on the reports just with regards to the different applications within the whole infrastructure. I mean, the whole Internet ecosystem, but nothing specifically top of mind for registrants and registry.

KENNETH HERMAN: Okay, well, thank you for coming and telling us about the report. I think we can probably find some links. I'm not sure where is that report. If you can help us, find that report.

JUNE OKAL: Will do. I'll publish it on the chat, but then also we do have a booth right outside, which is the Coalition for Digital Africa booth, and we do have a session tomorrow all-day afternoon leading on to a cocktail.

KENNETH HERMAN: That's great. Thanks. Benjamin.

BENJAMIN AKINMOYEJE: Okay, I don't have a question for June. I just want to also say that we've been invited to speak at that session as well tomorrow too. So, please, let's go there to also see what the report is and ask them questions on some of the findings they've gotten in the study. So, I want to encourage everyone to also take a look at the study. Thank you.

KENNETH HERMAN: Thanks again. And I was told we can go a few minutes over the drop deadline if it's really quick. Tomslin, go ahead.

TOMSLIN SAMME-NLAR: Yeah. Quick question for Benjamin. We've been invited to speak to the session about what?

BENJAMIN AKINMOYEJE: So, it's a launch. So, Julf sent an email recently and says, please come with a stakeholders' group. We've been invited. NPOC was invited. I think NCSG too was invited in that email that I saw. So, what we'd like to see is to see. I mean, I'm still thinking about what we're going to-- One of the things where we're hoping that this conversation would lead up to some conversations that might proceed to that conversation. However, what I've noticed from the study is that, there was limited data to do a lot of what we would like to see. Infrastructure was a big deal and all of that.

So, they looked at it from the perspective of infrastructure market and all of that. So, it will help for us to see and see how maybe we want to do advocacy for some of the efforts we are putting in, if it's reflecting in the market and the uptake of domain names in Africa. So, that's the way I would look at it.

KENNETH HERMAN: Okay, great, thanks. So, I want to take the last few minutes. We've covered our agenda. I'm going to put that up on the screen in a moment

so you can see exactly all the terrain that we've covered in a very short session. But I'd like to call upon Ephraim, if you're still with us. Do you have some reflections for two minutes that you can share with us on the session? I know we had some difficulty with connectivity before with you.

EPHRAIM PERCY KENYANITO: Sorry, can you repeat?

KENNETH HERMAN: Yeah. Can you share some reflections on the session that we've had, if you've been following?

EPHRAIM PERCY KENYANITO: Yes, it was a good session and I hope we can keep this momentum. There's a need for information management where this information can be available, these good stories, good history, which Stephanie has, Cathy has, like which some of us maybe were not very aware. It is good to have it documented for future purposes. So, yeah, I don't know how we're going to do it, but we need a historian to work with the people who worked on some of these things. See, they've been working on this from early 2000s to now. Thanks. So, that we can share with future generations.

KENNETH HERMAN: Thanks, Ephraim. Now, Benjamin, can you close us out?

BENJAMIN AKINMOYEJE: Thank you, everybody. But before I close us out, we still have five minutes. I'm just joking. Can we celebrate the RVC victory here so that everybody knew? I mean, I know you mentioned it quite closely in the slides, but can we just take this moment to acknowledge that what we started about a year ago. So, I want to do the honor to just please talk about what we have achieved in terms of the RVC.

KATHY KLEIMAN: Actually, what we started about a dozen years ago when this first happened. No, no, no. I'm just saying, Electronic Frontier Foundation, which is a member of NCSG, we've been working together for many, many years to try to shine a light on the problems of private interest commitments and registry voluntary commitments. And you're right. A year ago, we really started banging the drum and saying that we were really concerned about content and monitoring content and what people say and post on their web pages way beyond ICANN's remit. And the board agreed with us over the weekend. So, yes, we should all be having a big dance and celebrating.

BENJAMIN AKINMOYEJE: Yeah. Thank you, Kathy. And I also want to use this opportunity to thank everyone that came for this session. I want to thank all our councilors. I want to thank you, Brian, for coming and for the superstars online as well. Stephanie, Ephraim, thank you for all you do and every other person. Amin, Millie, thank you, all the ECs who worked on

putting together this session. Thank you. We know this was a lot, maybe next time we'll limit it on time, but it's very valuable. And I hope all the newbies that came learn something that they can take along to join.

And I also want to encourage everyone, this is the NCUC, Non-Commercial User Constituency. Please find it a place to join so that you can continue to push these issues you are passionate with. And I want to thank our support, Dan and Andre, superstar. Yes, June, thank you for coming as well. Thank you everyone, technical team, thank you. And this comes to the end of our issue forum at ICANN80. Thank you.

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