ICANN81 | AGM – Joint Session: GNSO CPH & CSG Work Session
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BRENDA BREWER: Thank you and hello and welcome to the CPH & CSG Membership Work Session. My name is Brenda Brewer and I'm your participation manager for this session. Please note this session is being recorded and is governed by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy. If you would like to speak during the 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 CSG Chair, Lori Schulman.

LORI SCHULMAN: Welcome. So, here on behalf of CPH & CSG are Sam, myself, and Ashley. We're happy to have this discussion, and it's based on input from both sides in terms of topics. I'm glad you're all here. I like to see a full room, and this is a nice full room. And of course, as always, we're going to keep the conversation professional and focused on where our common interests lie. So in our first discussion, I think we both have deep concerns about the workload here at ICANN, the workflow, how we put in the hours and what we are seeing as returns. So the first topic is: How can our groups collaborate to make sense of and contribute to the

endless cycles of workstreams and reviews? And leading that discussion will be Sam Demetriou from the registry stakeholder group.

SAM DEMETRIOU: Thanks very much, Lori. Hi, everyone. This is Sam, and I am going to make a confession to kick this topic off, which is that I am the one who can't keep up with the endless workstreams related to improving ICANN's accountability, continuous improvement, and all of the interrelated pieces that I think ultimately stem back to both Work Stream 2 coming out of the IANA transition, and then also the third accountability and transparency review that took place a couple of years ago.

The point of this part of the agenda and this discussion that we would like to kick off is just sharing our groups respective experience with this -- what we think is maybe going well, what we think maybe isn't going so well, and if there are areas that are collective groups can maybe align in term of both the substance of what's being covered in these workstreams but also how they all fit together in a way that is hopefully making sense for the community.

Maybe I'll open the floor by asking if any of the folks who have been involved in any of these, if you guys want to share some of your experiences, places where it's been going well, places where maybe it's not been going well. But this is sort of group therapy for us to make sense of this whole thing together while we're here in person. So I'll open the queue at this point. Ashley?

ASHLEY HEINEMAN: Currently, but not for much longer, Chair of the Registrar's Stakeholder Group. Yay. I just wanted to note that Sam and I had a great conversation with ICANN staff yesterday who tried to explain this to us, because there are so many different things going on right now. And I think the takeaway I got anyway was they're overwhelmed too. And I was put under the strong impression that they would like to hear from us what we think about how things are going on.

I'm not going to be able to rattle them all off, but you've got the continuous improvements, you've got the holistic review, then you've got the CCOICI thing. I would love to hear what people think in terms of their actual participation in these groups, but it might be helpful if we agree -- is there a message that we can send to ICANN that says, "Hey, we understand the importance of these reviews, but maybe it's time to make sure that we're doing things in a constructive, meaningful fashion rather than doing it so we can check that box." But I'll leave it there because I see the queue is starting to grow. I see Greg's up next.

BRENDA BREWER: We'll go to Greg and then Lori. And if folks could try to use the Zoom room for hands raised, that would be helpful. But I'll keep my eye on the room too. Greg.

GREG DIBIASE: I think just echoing a lot of what Ashley said, these goals are, I guess, laudable to replace organizational reviews, but how the continuous improvement program and the holistic review are going to interact and

what the timetable is. Even ICANN staff seems to have a lot of trouble explaining it, at least so I can understand it. So I guess my first question I'd want to know is if your concern is things beyond that or is it specific to this continuous improvement, holistic review process -- which I think most people are in agreement with, is pretty amorphous.

SAM DEMETRIOU: I'm not sure that it necessarily goes beyond that. There are a few different things-- Sorry?

GREG DIBIASE: I'm curious about your opinion too, but I was also curious about Lori's opinion.

LORI SCHULMAN: Our experience, at least looking at the IPC crew that works on these policy issues, and Glen de Saint Gery and I are doing the continuous improvement -- I've been doing it for over a year and Glen just jumped on board in the last few months and is doing a good job -- things that look like they might be straightforward and easy as we're going through the reviews, they then become complicated. And one area of that is, who are we accountable? It seems like we thought of a simple question and then we find we're mired in it.

From a bylaws perspective, are we only accountable internally to make sure we're running as ICANN's supposed to run into our constituencies? Or do we have a greater accountability level that may be above and

beyond that to a larger community? And there's been a lot of good debate back and forth about how to interpret accountability.

And I think what's going on is we still are managing from different playbooks and it gets confusing and legitimately confusing. And legitimately confusing. And these reviews are in the bylaws. They have to be done. But as we're finding out, as we move along since IANA, that some of the bylaws, the way that they were drafted, have created some of this mess in terms of when reviews have to be done, and how long they take. We start one, we haven't implemented the last two. It's not the last one. And there's this logjam. How are we operating? I mean, is this understanding that we're not going to start another review until we've implemented the first, but then you get the answer back with the bylaws.

So the question may also be in ICANN's inherent governance mechanism. But the government mechanisms that we thought were working or were going to work are not working, given all kinds of reasons. And not to put blame on any one sector of the community here, whether it's the Board, the org, or us, the GNSO. So I think the message is we all get it. We all understand that there's bylaws that need to be followed, but I'm wondering if we need to have some real sit down, a trilateral, I guess you'd call it, where we start prioritizing not in the way that finance is doing it and Javier is doing it, but prioritizing in big buckets. I mean, the really big buckets, the high-level stuff. We agree X is important.

And the other thing is these stalemated issues that involve third parties, and particularly like the governments, the struggles we're having with accuracy. And there's an impetus now not to delay accuracy, and that sounds right, but anybody who sat on the accuracy scoping team knows everybody came into this in good faith. We were trying to get to some hard black and white questions and we couldn't do it. And is there some way to have the same table of reference? Because I feel like that's a lot of the issue. The confusion is where we're all coming from. It doesn't always seem clear to your point about how this works. How does CIP now work with bylaw mandated reviews? Maybe that's the first question we should have asked, instead of jumping in with CIP.

SAM DEMETRIOU: I have a bit of a queue. Damon and then Volker and then Jeff.

DAMON ASHCRAFT: Thank you, Sam. I recently joined the continuous improvement team and I was amazed about how mired it was. And my first reaction was a way to improve ICANN was not to discuss improvement in this manner. One thing I think we could maybe do on a going forward basis is the number of calls for that group seems excessive. And I think there is something to the old theory of people fill whatever time you give them. And so I would come together, and if you're going to have a group set a number of calls, decide "We're gonna have this many calls." And quite literally, take that number and cut it in half and start with that. I think you'd probably be fine, and you would give people a lot more time. I think it'd be a lot more efficient.

SAM DEMETRIOU: Thanks, Damon. Volker and then Jeff.

VOLKER GREIMANN: I would be opposed to just killing those programs because improvement of processes and improvement of what we do here is something that we direly need. And we're discussing improvement, for example, and removing those entirely would be a problem. However, I think that we can come to certain improvements if we put our minds to that. The problem is everybody comes to the working group with their position and then tries to come out of that with as close to that position as possible. Maybe we should have some kind of alignment happening before we get together in the actual work group, and have an idea of where we want to end up that is nearer to consensus than anything that we have had in the past. Therefore, the actual work would be refining that into a workable product instead of having to duke it out endlessly over the time of the working group with endless calls.

JEFF NEUMAN: What confused me, or actually added more clarity, but confused me as to why it's necessary yesterday, was the notion from ICANN that the Continuous Improvement Program is basically a program so that we can all review ourselves efficiently and make changes, while the holistic review is to look at whether the continuous review is working. That's the first time I heard it explained that way. And I know that didn't meet

what I thought a holistic review was, that it's not what people think. It's not to review anything about structure.

It's not to review anything about other reviews. It's not to review anything certainly about ICANN performance, but rather it's this continuous improvement program that we're setting up to do self-evaluations, are we doing that? Which made me wonder, why are people now participating in a pilot holistic review if we haven't done the continuous improvement stuff? Because that's not supposed to happen until after you've done the first continuous improvement. That's what was explained to us, and it just didn't make sense to me.

SAM DEMETRIOU: I think Beth wanted to respond quickly on that last point, and then we'll go to Ashley.

BETH BACON: Just to clarify, my understanding is that the pilot holistic review was developed to develop the terms of reference and not do a review. Right now, the pilot is to make sure that it's structured correctly so that it can then function. And that was the purpose of the pilot. It's not to actually conduct a review yet.

JEFF NEUMAN: Right, just so I understand, just to clarify, so we're setting the terms and conditions of a review that's going to happen after the continuous

improvement review happens to make sure that continuous improvement review happened correctly.

BETH BACON: No, I don't think it's retroactive like that. Did I just confuse everything further? I don't think the pilot host review is looking back--

JEFF NEUMAN: Sorry, it's setting the terms of reference from what ultimately will be looking at whether the Continuous Improvement Program did what it was supposed to do.

BETH BACON: So I don't think this is the time to dig into this, but the pilot holistic review team is tasked with developing the guidelines and methodologies for the future holistic review. It was recommended by the accountability and transparency review team. The review is recommended to examine continuous improvement effectiveness, and accountability of the ICANN community structures, as well as the collaboration among them. Again, I don't think this is necessarily the time to iron this out, but it is to develop the methodologies so that those reviews can happen.

SAM DEMETRIOU: I want to get back to the queue. So Ashley next.

ASHLEY HEINEMAN: The previous conversation is going to highlight what I'm going to recommend, which is I think we need to have a sit down with ICANN, us collectively. You know, all of us meeting all of ICANN, so we can better understand what is happening here and what the expectations are. Because at the end of the day, we're all suffering from a lack of people who are available and willing to dedicate their time to these things. And if we're doing it all wrong, then what's the point of dedicating our time and effort to this?

And I don't blame ICANN necessarily here because I think they are beholden to timelines and a way forward that we articulated in the past reviews. And I think we're all in a bit of a jumble here. And if we want to make this useful at all, it's time to sit down and level set and make sure that we're all working towards the same goal, the same understanding of that goal, because otherwise it's a waste of time and effort. So, thank you.

SAM DEMETRIOU: Thanks, Ashley. I think that suggestion to ask ICANN, now that a lot of this stuff is underway, to provide, I would even say, the entire community with an update about what are all the various pieces, how do they all fit together, and what is the point of all of these, and where are they in the overall timeline? What goal are we working towards? What things need to be done for us to get there and where are we in that process? I mean, I think that -- I'm stealing an idea from Beth, actually -- is potentially a good topic for a plenary for ICANN82 in Seattle. Obviously we missed the boat for this meeting here, but it seems like

there could be value in having that. And then once we get a bit of a better understanding, then we can dig into the substance of each of them and whether it needs to be adjusted as we go. Lori?

LORI SCHULMAN: I want to go back to and reinforce a point that supports -- I agree, there needs to be a real sit down, a no-holds-barred versus where are we in projects that ICANN staff is following. If we agree that the timeline itself has become impossible and we need to change, and what do we think those changes are. Some of those changes will have to be documented against these bylaw mandated issues. And if the bylaws mandated issues are not aligned with where we think things have to go, then I think we should be ready as a community to figure out how to handle that, by which bylaws the Board could do relatively simple resolutions to eliminate pressure versus potentially changing fundamental bylaws which require something different.

It seems to me our bylaws are so complex and they're very micromanaging at some level, much more so than other bylaws that I have come across in my career. And while at the time we thought that was a great idea because we were making sure that all I's were dotted, all T's were crossed and that when the transition happened, there would be complete -- well, not complete, that's probably an extreme word, but good confidence, full confidence. That we would be having the accountability and an ongoing improvement that the community has agreed, there is consensus that ICANN needs to do. But I keep

thinking that the processes that we baked in may have had the wrong ingredients, and it's time for the community to think about that.

And I also say that within the context of the RFR that we're undergoing in terms of what happened with the bylaws, with the auction proceeds. It looks like with the decision that ICANN handed down that the standing issue now is a very serious one that we weren't necessarily identifying at the start. And if that is what is impeding progress in terms of being able to collaborate with ICANN to come to board decisions in a process-oriented way with a negotiated outcome, we've got to take the bad ingredient and switch it out of the pie. So I just don't want that to be forgotten as we make suggestions, because so many of the deadlines, like you say, Ashley, they're baked into the bylaws. And maybe that's not a good place for them to be.

SAM DEMETRIOU: While I wait for anyone else to jump in the queue in response to that, Lori, I think you hit the nail on the head. And I think that the shift to a Continuous Improvement Program in lieu of the organizational reviews was doing that -- was looking at what had been hardcoded into what ICANN's accountability structures were going to be. And noting what isn't working in the way that they were originally envisioned to work, and recommending something else that hopefully will adapt better to the realities of the community.

So I think from a starting point, the idea is a good one, and the effort is a good one. And I think the attitude of looking at these things that we think are so hard-coded, and if they're not serving us, going back and

making adjustments to them, I think we would probably agree. I think that that's a good attitude for this community to have. I think now it's also a question of sticking the landing on something like that. And I think that's maybe where, from what we started this conversation with, it may be getting a little bit lost in the sauce.

And so, figuring out ways that we can support the volunteers that we have appointed to these -- friends like Damon, friends like Chris, who are engaged in these efforts and helping make sure that work is proceeding in an efficient way and not getting mired down. I think that's like a good focus for us going into the next year. Does anyone else want to get in the queue on this topic?

LORI SCHULMAN: My question is, in terms of coordinating the effort, which we would agree would require that kind of coordination, I mean, how would we even implement that? Let's say we decided where there's a reasonable consensus that we should have a sit down, figure it out, and then also figure out where our own governance structure may be impeding improvements and improve. I mean, that's what I think I'm hearing. It obviously would require a GNSO action. Now we're talking about CPH and CSG, and CSG is not in this conversation, but would have to be at some point, I presume. And how would that even work? How could we practically get it going if we agree that this is a concept? What would be the next procedural steps?

SAM DEMETRIOU: I don't know that I have a complete answer at this time. I think I have maybe the start of a suggestion, which is maybe to start with what is taking place in front of us right now, contemporaneously. Looking at the work that's being done in the continuous improvement, that's a cross-community group or something like that. I don't remember exactly what the acronym is, but maybe it's getting a call together with interested members from CPH and CSG and maybe also bring in and CSG and have that conversation led by the representatives who are working in that group to talk a little bit about what's going well, maybe what's not going well, and ways we can either support each other or hash out differences outside of the context of the calls themselves.

I think that could be a valuable first step to getting through what is in front of us right now. I don't have a good answer for the broader more existential question about how to fix issues with the bylaws that may be a little bit farther reaching. But I think that's a good question for us to keep in mind and for us to put on the radars of community leaders to be thinking about as we continue to engage in this wacky world. So maybe a half answer there.

We're coming up to the top of the hour. We're about 25 minutes in. Does anyone else want to weigh in on this topic or raise questions? Anything else you want to suggest that we look into even? All right, I think the queue is clear. So with that, maybe we'll go on to the next topic, which I believe Mason is leading us on.

MASON COLE: Thank you, Sam. Hi, everybody. Mason Cole, I'm chair of the BC. And we've got a short presentation here, but I want to set some context first. So in setting context for the suggestions that you're about to see, I want to say that the CSG is putting forth some ideas in good faith with good intentions, and that we hope these thoughts and suggestions can be received with the goodwill in which they're offered. We're looking for partnership and to help further the industry together, and hopefully find some alignment. I'll stop as often as I can for feedback and questions as I move through the slides. And if you've seen the circle ID post that was referenced, I think in Sam's cover slide, you'll have an idea about where we're going.

So as you know, the BC and the CSG broadly has been active on the issue of DNS abuse now for about three or four years. The reason that we're so active on it is because the businesses and the customers that we represent are heavily impacted by DNS abuse to the tune of millions of dollars per year. So the CSG in this context is interested in following up on the CPH and the community's assurances that the April 2024 amendments are a good first step. So as I mentioned, DNS abuse continues to persist as a growing problem, and the pressure for more action is now growing both inside and outside ICANN.

And I want to say this as well, the CSG is aware of the contracted parties' perspective on implementation costs. I can't think of a better way to say it other than we empathize with that and understand that there's nothing free, and asking for help on DNS abuse in terms of policy development or contract amendments or anything else comes with a cost, and we recognize that and it's not ignored. So I want to make that

clear. This is an opportunity for us in this room to work together in good faith to demonstrate progress of not only progress on DNS abuse but on the multistakeholder model broadly.

The April 2024 contract amendments are indeed a good start. We've said before, and I'll say again right now, that the CSG is extremely grateful for these amendments. We are concerned, however, that the continual evolution of abuse means that they'll be insufficient to cut the tide of financial losses to the organizations that we represent and to their customers and their users. So now we have this opportunity to fulfill a mutual commitment on new steps on abuse. I don't want to go through all this because it can get tedious, but there is ample evidence, of course, of the level of DNS abuse as it exists in terms of real-world costs.

And you see here some figures that I collected after a conversation that I had last summer, or earlier this previous summer with Tripty, about substantiation of the level of impact of DNS abuse on businesses. And so I put together some figures. I wanted to share that here. It's been shared with the Board a little bit more broadly. But these are some not only self-reporting statistics, but some statistics that are collected by both authorities in the US and internationally. You can see some figures here that hopefully are impactful to you.

I wanted to point out here, this is a stat from the International Monetary Fund. I was looking for some information, again, not sourced from the United States, but internationally. And part of what stuck out here was the average size of losses from these types of abuse have more than

quadrupled since 2017, up to 2.5 billion. So we know this is a growing problem, and it's substantiated by what international authorities are saying.

Phishing is obviously a problem. You can see the trend lines here. A couple of interesting stats here are that the Cybercrime Information Center saw an 85% increase in domain names used in phishing attacks year over year. And according to IBM, the average business recovery cost of a single phishing attack is now $4.5 million.

The current definition of DNS abuse is the famous five: malware, botnets, phishing, farming, and delivery of these via spam. I wanted to point out that going back several years, the SSAC in SSAC115 pointed out that there's never going to be a sufficient definition of DNS abuse because of the evolution of threat vectors. So it'll never really be comprehensive. And then I also discovered an old SSR2 recommendation that apparently never was adopted that called for a CCWG to consult with the broader community on a regular basis to redefine what DNS abuse looks like. This has never been done, at least not to my knowledge, but it's an idea. It's something that we can discuss.

Here are some constructive ideas from the CSG on what might be next for DNS abuse. We're looking for the ability to act against abuse at scale and not just play whack-a-mole. And what I mean by at scale is rather than dealing with abuse domain name by domain name, we deal with it at the account level. So you identify a bad actor, you identify the domain names under which that bad actor is conducting nefarious

activity. You can take out a swath of DNS abuse more efficiently that way. That would be efficient and helpful to those of us who are impacted. The ability to act against imposter domain names. This was brought up in a recent letter from a US Senator named Warner, who is chair of the Senate Intelligence Committee, and he brought this up in the context of Russian disinformation in the recent US election. But this is a problem industry-wide, I'm sure.

In terms of operational upgrades, these are some ideas as well that we wanted to put forward for discussion. Improvement of response timeframes. Documentation of steps taken against abuse back to the person reporting that abuse. A duty for registries to mitigate abuse. Offering WHOIS reveals when there is abuse, particularly when abuse is occurring at scale. And maybe over the long term also, progress toward identity verification. And we see some of this happening already.

I believe GoDaddy is starting to implement this for auctions. I've got prohibiting CSAM up here, although I'm not sure how that might be quantified because I'm not aware of anybody in this room who wants to tolerate CSAM at any level. But I included it on the list anyway. And then again, the evolving definition of DNS abuse. So anyway, some ideas about what we might discuss next.

Sam, I think that's pretty much it for now. I see a queue building already, so I'm ready for the onslaught.

SAM DEMETRIOU: Mason, thanks for walking us through that. Thanks for setting the scene. I know that there is a queue, but as you're rapidly outgoing chairs, you've got to put up with us for just a few more days. Ashley wants to jump in first, I want to say something, and then we will get to the queue.

ASHLEY HEINEMAN: First of all, I just want to say, thank you for the effort to put things into writing and the effort to be constructive. I think it's going to be hard for us to respond collectively at this point since we're just seeing it now. So we're not going to be able to have any formal positions, but you're going to likely get a lot of responses. But I think, fair, happy to talk about future work that makes sense. I'm not going to respond to the list, other than I will say, I'm not aware of CSAM being legal anywhere, nor anyone being unwilling to deal with CSAM. So I would appreciate not seeing those in slides, because it gives the impression that we're not doing something when we are. So I will stop at that point and let everyone in the queue have their say. Actually, no, Sam, you first.

SAM DEMETRIOU: I wanted to take a quick minute to bring us back a little bit to what the point of the amendments was. Because I think in doing so, I want to highlight that we're not maybe as far apart as it may feel like we are. So I think, Mason, you shared a lot of very compelling statistics about the impacts of these kinds of harms. And I think the impetus to pursue an amendment, a very focused and narrow amendment that we could get done rather quickly, was because we understand this and we feel the

pain of businesses who, in some cases, are the customers of contracted parties and understand this problem.

And so when we talk about the amendments were a first step, it was to get something in place quickly that would allow ICANN to start to hold those contractor parties who systematically or routinely turn a blind eye toward abuse, for whatever reason -- not ascribing any intent to that -- help bring them along, help raise the floor on these issues.

And so to what you said, to what you noted in the slide, it was always meant to be just an initial step because it was something that we could put in place to stop a little bit of bleeding, in a way. And then the intention has been that next we will work with the community to figure out what is next. And I don't know that within the CPH or especially not within the broader like GNSO, let alone the broader ICANN community, we have one hundred percent figured out what the mechanism for that work will look like. That is definitely part of the ongoing discussions as well.

I hope other folks will weigh in on that, but I want to also remind everyone that we do have working groups within both the registries and the registrars, and then they form a super working group who have been engaging in outreach with the community going back to at least last year. So I think we're absolutely going to continue to do that. And part of that exploration is also going to be not only what we should work on but also how we can get that done in a way that does involve the community so that everyone has the chance to be heard.

MASON COLE: Thanks, Sam. I think that's helpful. I appreciate that. So in terms of your comment on the mechanism, I'm not sure anybody's settled on what that mechanism might look like. I know there was some discussion early on about targeted PDPs. I haven't heard much about that lately. Again, we're putting ideas forward for discussion at this point. So we can talk about the content, we can talk about the process both, but obviously we're looking for where we can find alignment with contracted parties.

SAM DEMETRIOU: For sure. I think that's exactly the point of this dialogue. So I will get to the queue now. Volker, Owen, Michele, Thomas, Chris.

VOLKER GREIMANN: Yes, absolutely we must do more about DNS abuse. And I think the 2024 amendments were the first step. I think every member in this community, not just the contracted parties, every member in this community and even beyond that needs to take a step back from time to time, look in the mirror and ask themselves, "Are we doing enough?" For example, there are initiatives ongoing looking beyond the contracted parties into other players in the internet infrastructure, hosting, ISPs. How can we cooperate with those entities? How can those entities share some of their learnings with us and we with them to better combat all kinds of abuse, not just DNS abuse that's going on? And that also applies maybe to some members represented through the CSG.

There are members in the CSG that are large providers of hosting services. Some of them have been listed in the top one of the biggest malware hosts for years on end. They could do more. There are social networks represented through the CSG. We're talking about spam as a delivery mechanism. How about social networks as a delivery mechanism for DNS abuse? They could do more. Because if people are not misled to those sites through others, if people were not hosted -- could not obtain hosting services through some of the participants in this industry that are not contractors parties -- then DNS abuse and other abuse on the internet could be a whole lot less.

So I think if everybody in this community, and not the contracted parties, does more -- and we will do more -- then abuse will be less and we will have a much better future of the internet in front of us. I think everybody has a role to play here. And if everybody takes this responsibility seriously, and makes sure that they're no longer the biggest malware host, that they no longer allow ads that direct to malware or phishing sites, that they no longer have any connections with the illegal players that they take money from, then I think we can, by cooperating, achieve a lot more, rather than always trying to shift the blame to one party or the other.

SAM DEMETRIOU: Thanks, Volker. Owen?

OWEN SMIGELSKI: Thanks. Those numbers looked eye popping earlier, that you were citing, Mason. I was concerned whether that was pure DNS abuse using domain names or if that was cybercrime in general. Because cybercrime is not DNS abuse. Those two are very different. I think we need to make sure that we don't use a lot of hyperboles and we get people excited about this and make sure we are focusing on things that are actually within the contracts we can do things about. I know there's a lot of bad stuff going on on the internet, seeing all the pig butchering and stuff like that.

We work on that as much as we can too, but to an extent it is outside of that. But we are trying to do that. And I appreciate what Ashley said about CSAM, so I won't reiterate it. And then similar to what Volker said, the stuff that was referred to in Senator Warner's letter in full disclosure, Namecheap did receive that letter -- we have responded directly and engaged with the Senator's office. I don't think it's anything to air publicly. And I know that other registrars are also engaging, and maybe there's some industry stuff. So we're working on that.

When a registrar has a domain name that is linked in some of those ones referenced in there, those aren't websites that are big or profitable or we're making a lot of money from. The ways that those are being made money from is being shared primarily through social networks. And that's how people are discovering these really bizarre-looking URLs that you would never find in a million years. So any type of approach that we do, while there's something that the contractor parties can do, I don't think we're the only ones who can stop that. We need to have more companies in the industry.

I would point to social media because that's the one that pops to mind because I saw that through the domain names that we were seeing. So I think we need to be a lot more engaged, because we can do all of the effort that we want here within the contractor parties and within ICANN, but if those that are not here joined us, then stuff is still going to happen online, bad stuff. So we can do all of our work, spend tons of hours and money, but if it's not a full solution, what's the point of fixing a little tiny part and having it scattered somewhere else? Thanks.

SAM DEMETRIOU: I think Mason's going to respond and then we'll get back to the queue.

MASON COLE: Thanks, Sam. I apologize. It's a little hard to hear here. I think I got most of what Volker was saying and I think I got most of what Owen was saying. So let me take it in that order.

I think Volker made some good points, actually, that we're all in this together and CSG members can help out. So where there are opportunities for CSG members to contribute to the battle against DNS abuse, for lack of a better term, then we're obligated to do that. And we should do that. So I don't want to brush that comment under the rug and say, well, it's all the responsibility of contracting parties. Obviously, it's not. So you have the CSG's assurance that we'll take care of our own house as well.

Owen, I appreciate your input. We're not interested in hyperbole, we're interested in facts. To the extent that the numbers you saw, I tried to

orient those as much toward DNS abuse as possible. And I'll just leave it at that. I mean, the rest of the comment is we're looking for places where we can align and work together. And if the Contracted Party House has constructive suggestions for us about how to make sure that abuse is dealt with within our own membership, we're all ears.

SAM DEMETRIOU: Thanks, Mason. We have Michele, Thomas, Chris, and then Lori.

MICHELE NEYLON: I find it interesting that you keep talking about good faith, and then you immediately start talking about CSAM, as if to say that we all have something up on our website saying, "Please, come along, choose our services for child abuse." Because obviously, that's what we all want. Seriously, Mason, is that the message you want to send? I find that so offensive, I don't even know where to begin. I mean, the fact that you guys constantly come to us with different tasks, I'm kind of used to that. It's expected, it's part of the course.

No matter what we do, you always come looking for more. And that's fine. Some of you make money from that, apparently. But that you would explicitly call out something like this saying that we should clearly prohibit something as onerous and as vile as child sexual abuse material is intellectually offensive. And I think that you would even think about putting that in something, in a document you're presenting to us, apparently "in good faith" is actually quite bad faith.

The other areas of this, I think are something we can discuss at greater length, because I think you are conflating cybercrime and other forms of online harms with DNS abuse. The DNS abuse amendments that we agreed to came into force in April of this year. It's still 2024, it's now November, so it's less than 12 months ago. I mean, we talk about reviews, we talk about workloads, we talk about the community being overstretched. And so as soon as the ink has dried on a new contract, you guys come along looking for more and for more and for more.

And as others have said, I mean, you also need to look internally. Look at other things. Smishing, for example, is a massive issue in terms of delivery. But there is nothing that a registrar or a hosting provider can really do about smishing unless you get the companies that are sending out all these things involved. And they don't turn up to these meetings. They're not within the contracts. And I find that, sure, that might be frustrating for you, but you can't keep expanding what you want to be in our contracts to include things we have no power over.

I mean, I, as a registrar, if I don't host things, I only can turn things on and off. I don't have the powers to do much beyond that. And you guys know this. Very frustrating. I think it would be interesting to see if the DNS abuse amendments after a 12-month period or longer have any impact. But when he looks at these statistics with big headlines of numbers, with no actual sources cited, it's not particularly helpful. Thanks.

MASON COLE: Thanks for your comments, Michele.

SAM DEMETRIOU: Thomas?

THOMAS RICKERT: Thanks so much. Two quick points, the first one, building on what Volker said. Since my home in the CSG is with the ISPCP, that's where the hosting companies and others are sitting, rest assured that we are putting a lot of resources in getting hosts to the table to talk about how we can better cooperate, each in their respective roles, and help improve collaboration and swifter action when it comes to DNS abuse and also other types of content related issues.

As far as the discussion here is concerned, I think that we should continue the conversation, but I will reiterate what I said at the CSG meeting the day before yesterday, and that is that I think that yes, we need to do more, but ICANN and the tools that we have in the ICANN world is not the appropriate response to everything that we can or should be doing. So I think that, yes, we need to do more work, but not everything is for contract amendments or policy development processes.

As far as CSAM is concerned, I have a history working in that space. Some of you will know that I've been president of the INHOPE Association from 2002 to 2005. That's a time when many of you were not even born, I guess. But work with your local INHOPE member hotline. They can tell you what the best response is. In the US for example, law enforcement does not want domain names to be taken

down or websites to be taken down. They keep that up as sting operations to find perpetrators and help the investigation so ongoing abuse can be stopped. So, suspending those domains is not always the best thing to do. Only do that in collaboration with your law enforcement authority. I think that's something that we should all be passionate about, fighting against, but let's not jump to immediate suspension or blocking of domain names.

SAM DEMETRIOU: Thanks, Thomas. Over to Chris next.

CHRIS LEWIS-EVANS: We've had the contract amendments. There have been changes. There have been changes on both sides. Yes, it's easier for businesses to report phishing, malware, botnets, everything else. There is other abuse. Some of the numbers Mason showed were cybercrime related. Some of those might have started as phishing and ended as something else completely. But there's still lots of abuse. Are we the only people that can do something about it? No. And Volker, Michele, everyone has spoken about the appropriate party to act. That's a pain point, I think, for us. How do we get those reports to the appropriate party? How do we get the quickest action to remove the harm?

I think we want to work with you to help that happen. We have bulk reports of phishing going on. There's a massive campaign at the minute around the US Postal Service and other delivery mechanisms. How do we report that to you quickly that enables you to be aware of it, so you

can protect your systems against mass registrations? And how do we get it to you in a manner that you can pass that to the appropriate party, whether that is smishing or some other form?

I think there are a number of areas that are pain points for you and are pain points for us in reporting that. How can we identify those, single them out, and act on them quickly so we can reduce some of these numbers? And yes, there's got to be a mechanism, but that mechanism needs to be appropriate and timely. You know, we've all been through EPDPs. None of us want to go there ever again. I was 12 when I joined. But I think we need to be able to single out particular areas. You know, there's a long list here. We're not asking for them all. We're not asking for them all at once. I think there's some pain points for you and us that probably meet in the middle, and I don't think we are too far apart on some areas and it would be really good to identify those and get them done and get them done quickly. Thank you.

SAM DEMETRIOU: Before I hand it over to Lori, I wanted to respond to one concept that Chris raised, which is in addition to looking at future work that could be done within the ICANN MSM bubble, whether it's policy creation, things like that, I think Chris raises a point to you, which is that there may be very tangible and practical items that your groups, the CSG, could coordinate with the CPH on. And it may not be a universal solution, but for some of these things that are tactical, then I think finding ways for maybe more frequent communications and collaboration between, for example, the DNS abuse working groups who can disseminate

information to the stakeholder groups and registries and registrars and folks from your side. I think that's something that we could spin up very quickly and very easily. So if there is an appetite for that, we can take this one offline and figure out how to make that work.

LORI SCHULMAN: I have a few thoughts about this. I'm actually not speaking as CSG Chair, I'm speaking as IPC President right now. I would say in terms of the points that Michele's raised and Ashley raised and others, with the concern about mentioning CSAM is we note that and take that into account. And I can say on the IPC side, that's not something we will bring up in the future simply because it's well taken what you're saying. I'm conceding, Michele, it's all good. But that being said, what does confuse us and why I think CSAM does pop up, we all agree that CSAM's horrible. It's horrible. We did some quick data searching right now to see there's over 160 countries that prohibit it. There's only about 10 in the world that don't specifically. So the world overwhelmingly agrees that CSAM is bad content, should not be tolerated, it's harmful, period, stop.

Where we have more of an issue is we know that there's really, really, really bad content and we're all going to universally agree no matter where it sits in the ecosystem, we have a social obligation to eradicate it. I think that's right about CSAM. In terms of using and keeping some sites for investigative purposes, that's a negotiation that providers have at all levels with law enforcement. However, there are degrees underneath that of also very bad content with life-threatening drugs

and counterfeits that explode. I mean, the list can go on and on and on. There are statistics and reports. So this idea of this bright line between technical and content is, in our view, not a bright line.

And particularly even when you're looking at phishing and spam, to deliver the botnets, the malware, and the phishing, that you can look at the domain name on its face, but until you look at the content, you don't have the context for whether or not it is phishing or it is carrying a piece of malware. And that's where, philosophically, we have a very difficult time understanding when something's being called a bright line distinction when in fact it simply isn't. And there's also data to support that. Studies that were done by the EU, by the University of Grenoble, by scholars who are very actively engaged in all levels of looking at the issue of domain name abuse to agree that there's a lot of blurring. So when there's blurring, what do we do as a community? That's my main question as an IP attorney, quite frankly, as I said.

Also being said, let's assume that we shift enough to say, yes, the really, really horrible, terrible stuff we're all going to work at, doesn't matter who you are, what you do, we're working on it. And then everything else is off the table. Let's say we go with that thinking, that's the thinking that is pervasive here at ICANN. There's reasons for it. Some of the reasons I think are very good.

So let's say we assume that. Wouldn't we still though have a responsibility, I think, to build bridges with those in the stack, some who may be represented by the ISPs and CPs, but not all, to figure out a way as a responsible global citizen to work with the groups in a

coordinated way? Is that a role we could perceive ICANN taking on simply because these issues keep vexing the community? And if the community understands that perhaps we're going to stick to a more technical definition of abuse, what do we do with all the rest? And I think for ICANN to say, "Not our problem," is very unhelpful to ICANN and its public interest commitments.

SAM DEMETRIOU: Thanks, Lori. Ashley wanted to jump in and respond, and then I have a bit more of a queue. We have four minutes left, so everyone gets 50 seconds.

ASHLEY HEINEMAN: Again, I think saying that ICANN or a registrar to say, "It's not our problem is," is not fair. There's what's appropriate and what's not appropriate. And oftentimes, if we're talking about content that is not universally understood to be horrible, hosting providers are the first place to go. Now, there are efforts underway outside of ICANN that are looking to address this, but at the end of the day, ICANN cannot be everything for everyone. And it's not to say that it's not our problem, that we don't think it's important, it's just that this isn't the place. I will leave it at that because we're already out of time, thanks.

SAM DEMETRIOU: Lightning round. Jeff, Mason, Steve, Volker.

JEFF NEUMAN: Lori, I think what's inciting people here about the CSAM is that this slide implies that registries and registrars do not prohibit it already, or that we somehow tolerate it. So I want to make that clear. That's why we don't want it on the slide, not because of an ICANN thing or a content thing. So, that's important. I'll just leave it at that because we're running out of time.

MASON COLE: I just want to say thank you on behalf of the CSG for this exchange, it's been very helpful. I appreciate the comments that were constructive and we're going to take those back. If there are areas where the CSG can help the contracted parties, we'd like to hear about that too. Thank you.

STEVE DELBIANCO: This morning, the NCSG did a session of four scenarios to see whether DNS abuse mitigation efforts would impact human rights. I didn't know what I was prepared for walking in there, but many of you were in the room and I actually learned a lot more there than I have here. I learned that when a phishing attack is reported, the careful way in which the registrar contacts the registrar who contacts the hosting provider and decides whether and how they want to mitigate it.

So it led me to suggest that we would be better served by doing half a dozen case studies of complicated scenarios where you receive a report and it was difficult to figure out exactly whether it was a compromised

site or whether the owner was the one responsible, how do you pull in the hosting providers who are not parties to ICANN?

If you will share with us some of the scenarios, 5 or 10 scenarios where this case study will reveal we didn't report it correctly, or this case study reveals that we couldn't take an action that wouldn't simultaneously compromise thousands of innocent websites. Actual case studies would be so much more beneficial than showing a bunch of statistics of increasing DNS abuse and assuming, because they're going up, that people aren't doing their jobs. I think we can do better. Thank you.

VOLKER GREIMANN: First of all, thank you, Steve. I think understanding what each of us do and do not do in more clarity would be helpful for the entire community, and I think we should be working on that. But what I was trying to get at is that I understand that ICANN is an attractive target forum to regulate because only in ICANN can you regulate a certain group of internet providers. There's no other way to do that on the internet. The hosting providers have to be done on a national level. ISPs have to be done on a national level. Registries and registrars can be regulated on a worldwide level. All are affected by what ICANN does, and therefore it's attractive.

But not everything that is bad on the internet can be regulated or can be resolved on the domain level. And I think understanding that as well is important and therefore we need to address that as well. And I hope that if we can bring you guys on board in our efforts to reach out to other parts of the internet community, of the internet service provider

community, and foster more cooperation between the silos that currently exist, I think we can achieve a lot more together than we can fighting each other in this venue.

SAM DEMETRIOU: Thanks, Volker. We're officially one minute over time, so I will keep the wrap up extremely quick. You know, I think there were times during this discussion when we may have felt a little bit at odds, but I ended up hearing more commonality in the interventions from both groups than I think I was expecting to. And so I think what that means is that these dialogues are good and necessary and should continue, I think also in different formats per the suggestions from Steve, per what Chris raised. So we'll look to do that.

We didn't have a chance to get to the introductions of our new XCOMs, but I will say the chairs of the CPH are term limited and we're terming out at the same time. I will be replaced by Beth Bacon here. Ashley will be replaced by Owen Smigelski. We sat ourselves this way on purpose. And I know they're ready to take up this mantle of continuing this dialogue. So please view them as a resource. We'll keep this going.

LORI SCHULMAN: I'll finish up on the CSG side. Mason's staying on as the leader of the BC. Philippe is staying on. I will be rotating out. I'm not sure I'm limited, but after three years, I think it's time to step down and let others lead. And we have a very, very capable leader in John McElwaine, who will be coming in as president of the IPC.

SAM DEMETRIOU: And I think we're adjourned.

[END OF TRANSCRIPTION]