
ICANN83 | PF – GNSO: CSG Membership Work Session
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BRENDA BREWER

Hello and welcome to the CSG membership workshop. on Tuesday, June 10, 2025. My name is Brenda and I am the 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 this session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute and in Zoom. The on-site participants will use a physical microphone to speak. Please state your name for the record and speak at a reasonable pace. And I will now hand the floor over to Mason Cole, the CSG chair. Thank you.

MASON COLE

Thank you, Brenda. Good afternoon, everyone. This is Mason Cole here at the CSG. Good to have you all in the room today. We have a pretty full agenda, although I'm slightly optimistic we can get through this quickly and possibly break early today. So before we start, are there any updates or additions to the agenda please? All right, if you haven't signed into Zoom, please do that. That's where we'll manage the queue. And we're gonna dive right in so that we make best use of our time. So you see the agenda up there. We have a couple of guest presentations today. And then we will turn

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the meeting over to Paul for a bit. We'll talk about Team 14, which has been an issue that CSG has been managing for a while. We'll talk about our Board representation, and then Philippe is going to handle ICANN reviews, and then we'll take care of AOB after that. But we have a lot to cover, but again, I'm optimistic. So let's dive in. If you've been around ICANN for the past couple of years, you know Mark Robertshaw, who's our first guest. He's with the DNS Research Federation, and Mark is gonna give us a brief update on the NIS2 Directive. Mark, the floor is yours.

MARK ROBERTSHAW

Thank you very much. It's really good to be with you today. As Mason's mentioned, I've been particularly with the BC a few times recently, so I know a good number of you, but it's great to be back. So today we're gonna talk about the extraterritorial reach of NIS2, particularly where it refers to Article 28, which is of course most relevant to the contractor parties in ICANN. So next slide please. So we're going to cover today just a very brief background on the NIS2 framework. I mean many of you in the room will hopefully be familiar with the framework and where we're going with that and of course the intersection with domains. And then we'll look at the project we've done, a study we've done, on measuring the potential extra-territorial reach of the NIS2 Directive, and then some conclusions and obviously potential improvements we could make going forward to the study. So next slide please. Thanks. So most of you will be very familiar with this stuff so I won't dwell on it. And in full disclosure, I'm a techie, not a policy guy, so I'm not the

biggest expert on policy. But the bits that really matter here of course is an NIS2 puts more onus on collecting valid data and actually making it available in different contexts, and that obviously affects registries, registrars, and we would also say resellers as well who are in scope for that. Just like GDPR, NIS2 does have an extraterritorial effect. I had some colleagues look up where that's documented, and that appears to be mostly outlined in Article 26, but there are other aspects of the NIS2 Directive which cover the reasoning as to why this NIS2 Directive does have that extraterritorial effect. So the next slide please. So yeah, so what I'm going to cover now is the project we've conducted. So next slide. And first of all, just to give the introduction, the key idea was to measure the extra total impacts for the key entities which would be covered in scope Article 28. And that, in our cases, is registries, registrars and resellers. And I mean the main impacts that would be clear would be those entities which are based outside the EU, but who have customers who are or registrants which are based inside the EU. That's the main thing. But we also felt it was valuable to look the other way around because actually if you are in fact based in the EU, the chances are if you're making adjustments for NIS2 for your customers in the EU, there's likely going to be impacts for customers outside the EU, just purely for operational reasons. So it's useful to measure, we felt: both sides, although technically the first point there is the point that's most validly in scope for this. Next slide, thank you. So methodology wise—next slide please—for what we did to in order to gather data for this exercise, the key data obviously here is going to be bulk RDAP/WHOIS data from which we

can derive who the registry is, the registrar is, and, in some cases, the reseller as well, in the case where the reseller field has been completed, for that, which gives us an authoritative kind of sense of who the reseller would be. This is based on zone file additions from CZDS over the last 90 days, so it's looking at a reasonably large sample of about 8.1 million records. Other key data points here of interest would be the IANA root zone data, because that helps us identify the country of the registry for that reference, but also the ICANN list of registrars, which gives us the country of registrar as well. So those are the three key data points for working out where the registrant is effectively, where the registry is and where the registrar is for the purpose of this exercise. Next slide. In terms of caveats for this project, there's always going to be a bit of a black art working with RDAP and WHOIS data—we know that—especially with thin registries. So just to make the point, sometimes country data is going to be unreliable to obtain and missing in some cases. Just to say that out up front. So there was a bit of an incomplete picture on that basis. At the moment, reseller data is only really available conclusively when it's supplied by registrars, which is only about 6%. So the work we've done for this study represents that sort of subset, about 500K or so. And what we did to enable the sort of geographical relationship for resellers was do some desk research to look at the primary operating location for a reseller, and that was taken as the country of operation for that given reseller. The other point to make is that in this study we haven't removed privacy/proxy registrations from the data, which means we are likely going to be undercounting EU registrations to make

that point. So all the stats that we do show you today are likely to be under-inflated because of the strong prevalence in many cases of especially US-based and privacy/proxy providers in a mix. Next slide please. And next slide please. So onto the actual impact. So this is just useful to set out the scene of the overall picture, just an interesting picture to look at. This shows, for the whole domain landscape, the whole 8.1 million registrations, the kind of breakdown by registrant location. And as you can see, as mentioned, there's quite a big chunk, the green chunk on the left, of sort of indeterminate records for that based on WHOIS on reliability. In terms of the registrar and registry locations, obviously there's less of a problem with that. And you can see the breakdown, but the EU percentage overall worldwide is really quite small. And that's worth emphasizing at this point: actually you're looking at about 6% of registrations of the sample we looked at being located in the EU across all gTLD registrations there. Obviously, the other figure is similar, slightly more percentage of registrars, for example, in the EU than there would be registrants in that picture. But again, it shows you the overall picture. We're looking at a relatively small number of entities and registrations across the whole domain space. Next screen please. So going into the detail a bit, we're going to start by looking at the ... These are the key entities that would be most impacted with extraterritorial reach. So looking at registers first of all. What we see here is that quite a small number on the face of it (3% of total registrations) are occurring inside the EU. But in fact, what that does tell us is that actually 58% of EU registrations are served by registries outside the

EU. So of the identified registrations inside the EU, it's actually more than half that are served. So there'll be quite a large extraterritorial impact, and we're looking at the registry side of things for that. Next slide, please. Moving on to registrars. Similar picture actually: 3% of total registrations for those entities based outside the EU are affected inside the EU. And again, almost half of those registrations identified in the EU are actually served by parties outside, so would be affected by the extraterritorial effect of the NIS2. So we're looking at quite high percentages here. Actually, these entities make up a very large percentage of the registrations in the EU space. And finally looking at the reseller market—next slide—it's much smaller figures of course. We mentioned already that this is a much smaller sample. And in this case, overall it's a very small number inside the EU with 13% of registrations served by resellers that we could detect outside the EU. So in the reseller space ... And it would make logical sense intuitively that resellers tend to be more locally focused[—] actually, [to] most, that would be happening[—] in the same region as the registrations, but there's still some impact that's worth bearing in mind there. So I mentioned at the outset that we also are interested in the other way round as well—so not just looking at the picture of entities based outside the EU, but looking at entities in the EU who would potentially be operating services for their registrants and being affected within the EU, but also would potentially apply those same rules, those same requirements, to people outside the EU. So if we go to the next slide, if we look at how the picture looks there, actually, it's quite dramatic that,

actually, for registrars based in the EU, 70% of their registrations are outside of the EU. So if they took a policy decision in the EU, chances are that they'd apply that across the board, and there'd be a whole bunch of registrants outside the EU that would be affected by that policy. Moving on to registrars. Next slide please. Similarly, there's a lesser effect here, but still, 29% of registrations being made outside the EU are for those registrars based in the EU. I've put the caveat here that there are a large number of unknowns in this context, so the numbers may well be bigger. And we've mentioned already that the effect of things such as privacy/proxy also hides some of the true picture here, but nevertheless there's a significant effect going that way. And finally for resellers—last next slide please—again, this is quite a balanced model really, but actually 45% of the resellers we found inside the EU were actually operating with registrants outside of the EU. So on to the next slide please. So to sum up those statistics, in summary, really, for non-EU entities serving EU registrars, which is the key effect that we're looking at here, the reach into the EU on the surface looks less significant. It looks like small percentages, but actually when you look at the percentage of the EU residents served by those people, the picture changes substantially, and we're looking at around, if not higher than, 50% of registrants in the EU being served by people outside the EU. Therefore, there's very high extraterritorial impact there. And going the other way, as we've discussed, there's a very large extraterritorial customer base for those entities operating within the EU space. And just to make the point that, as I've said a number of times, we would expect people to be

optimizing their services in such a way that any change they make wouldn't naturally apply to registrants outside the region as well. So that's the main conclusions. I'll go to just the final slides, if I may, to wrap up, to say that there's a few improvements we could make to the study. Obviously, taking a larger data set or larger time window would no doubt give us more data on the subjects, and that would be a worthwhile thing to potentially do to push out the stats a bit. As we've mentioned, detection and classification of privacy/proxy is a very tricky one for the industry, and it's often very hard to understand who the true registrants are. There's questions about whether removing those from the set would be helpful or not, but actually more work on that we would think would be useful. And of course, the final one is a better understanding of the reseller markets. And we have some ideas for ... I mentioned only 6% of registrars typically fill in that reseller field as a matter of course. So we're stuck with much smaller data sets on resellers in a sort of authoritative manner. And we do think there are techniques which we could adopt and tricks such as looking at vanity name servers to actually identify more resellers in the space. I think that would be worthy of further study. So that concludes my presentation, but I'm very happy to take any questions from the floor or online. Thank you.

MASON COLE

Mark, thank you very much. I know this is of particular interest for people who've been following Article 28 developments. So thank you for being here today. Let's take a queue. I've got Mark first, and

then if you'd raise your hand in the Zoom room, that'd be helpful for managing the queue. So, Mark Datysgeld.

MARK DATYSGELD

Thank you, Mark. This is the other Mark, BC. I have been studying exactly the thing that you're talking about, resellers. It's a phenomenon that's underrepresented in statistics and we don't have as much understanding as I think we should have. And my question is, exactly, do we know some patterns to understand reseller behavior or are we mostly guessing? Because they don't have a print, right? Not specifically, at least that I know. So do we have any inkling of what's going on in terms of reselling or are we basically guessing?

MARK ROBERSHAW

Yeah, I think so. For this study, there was an official or unofficial official RDAP WHOIS field for reseller, which is filled in in about 6% of cases. So you've got that, and that's a fairly clear steer when that's filled in, and we assume that's reasonably good. But I think, as I've alluded to, there are ways of identifying that. I refer to the use of vanity name servers. This is a very commonly used technique by many resellers because they want to advertise their services when they set the name servers for their client base. So you can largely infer using pattern matching on those who the resellers might be. And then we think that would give a bigger picture of the reseller market, but we're all a little bit clutching at straws for a proper understanding because they're not accredited parties, and

therefore they don't have to be as officially recognized in the same way.

MASON COLE

Thanks, Mark. Philippe?

PHILIPPE FOUQUART

Thanks, Mason. Thanks, Mark, for the presentation. This is Philippe Fouquart, ISPCP Chair. So bear with me when we look at diagrams without having the background, as sometimes the question comes across as totally silly but...

MARK ROBERTSHAW

No, go ahead.

PHILIPPE FOUQUART

But we'll see. When we have diagrams, generally the challenge is very much into the definition of the various buckets. And so when you say, quote unquote, based in the EU as it relates to Article 28, where for some provisions there's no in-between, if Article 28 talks about the location of the data, for instance, it's either here or there. But I'm wondering whether in that bucket you have (I don't know if I'm going to make sense): if a registry makes a decision in terms of the architecture design to comply with 28, given that they cannot exclude if they have one infrastructure and just two, unless they take that decision, then that will have an impact on overseas—well, non-European. So even if they're not technically based abroad ...

I'm trying to get my head around what is behind the various buckets and how, in fact, that will impact non-EU customers.

MARK ROBERTSHAW

Exactly. I think that's the point of looking at things both ways around. So, I mean, technically the directive would be mostly focused on entities that are based in the EU and customers that are based in the EU, but I think as I alluded to, most ... I mean I'm a technical person so I'd be doing exactly the same, and part of my job is to look after a registrar platform in one of my heads. And actually, I would be saying if I have to do something for EU customers, there's no way that I would do something different for extraterritorial customers in the US. And so that's why, although not strictly in scope for the directive, it's important to look at that. And the second half of the diagrams were focused on that view, because actually, I think it's gonna have as significant impact whether it's a legal impact or not, than the other way around as well. And we saw exactly the same sort of effect with GDPR in the end, didn't we?—where initially there was lots of “well they're not really in scope,” but after a while, everybody sort of just absorbed it because in reality, it's not practical to do otherwise. So you're absolutely right.

MASON COLE

Thanks, Philippe. Marie?

MARIE PATTULLO

Sorry, I couldn't find the mic. Marie from the BC. Thank you, Mark. Really straightforward question that I know you're going to be able to answer. We have had a lot of conversations with a lot of members of the contracted parties. A lot of you have said to us, "Nothing to do with us. We're not based in the EU. It's just an EU law. Everything we do is already compliant with an NIS2." I would respectfully disagree with that. How do we convince our dear friends in the Contracted Party House that they actually need to comply with NIS2, whether or not they're based in the Union?

MARK ROBERTSHAW

I think the best analogy is to use GDPR, because actually it's so similar in terms of the adoption there. Seeing lots of nods in the room, but actually everyone thought "It wouldn't apply to me," and then very quickly they realized it did apply to them. And I think that's probably your best analogy if you're talking to people. Obviously you can dive into the details of Article 28 with them and talk to them until the cows come home about why they would be in scope, but ultimately, I think giving them an analogy that they would fit with is probably the easiest way to address that.

MARIE PATTULLO

Thank you for saying that, and I'm not laughing at you. I'm laughing at the fact that we did that. I'm looking at Margie. And there's sort of two parts of my brain that are having difficulty understanding because the GDPR was a European law, and the entire world reacted. And NIS2 is a European law, and a lot of the

world isn't reacting. Again, I'm looking at Margie. Do you want to pick up on that?

MARGIE MILAM

I do think we may see the situation change after the laws are transposed and it actually goes into practice. I have a sense that a number of parties are waiting and seeing where the dust settles on the actual implementation.

MARK ROBERTSHAW

I would totally agree with that as well. In fact, you gave my answer, which is basically that we're still absolutely mid-transposition and pretend to be a policy person for a minute because we one of the things we've been doing is tracking the transposition process as an organization. It's been incredibly slow. All of the deadlines have passed, and only a few countries have really taken action. So until you see that full adoption across the board, we won't really be able to sort of see the impact. And certainly it'd be very hard for the EU to enforce anything until we've seen full transposition, I suspect.

MASON COLE

Go ahead.

MARIE PATTULLO

No, there's a question in chat.

MASON COLE

Yeah, I see Segunfunmi's question. Let's go to Philippe and then Segunfunmi. Philippe?

PHILIPPE FOUQUART

Thank you, Mason. Yes, further to Marie's comment, maybe you've got that piece of information in the slides, but one figure that would be interesting would be, given even the technical constraints that you would have with 28 and assuming that you cannot be here and there (you would have to choose on certain things), to have the proportion of those that would definitely be out rather than coming back to your point of having the two views. If indeed that number would appear to be small, then I think that would be striking for those people.

MARK ROBERTSHAW

Yeah, I think, going back to the slides earlier on, there's a variety of ways of looking at that, and I think when you sort of do the research into this area, you realize it's very multi-dimensional, as you say, and you can look at the whole picture. You can look at the percentages of this and that. And perhaps, looking back at the slides, it may become a bit clearer in terms of the percentages there. But I think the key ones that are interesting is the percentage of customers or registrants in the EU that are actually being served by external parties, and therefore these people have got to comply because these people live over here. And that's that those are high. Those are 50% plus for registries and just under 50% for registrars. So those figures are big in terms of percentages, and so there's no

way that the extraterritorial companies can opt out from this, ultimately, once, as we've discussed, the full transposition has occurred and the EU are starting to actually take it more seriously.

MASON COLE

Okay, Philippe, thank you for the question. We've got a question in the chat from Segunfunmi Olajide from the B.C. And then if there are other questions in the room, I'm probably gonna draw a line on the queue so we can keep moving with the agenda. So I'll just read this for you, Mark. "Can you clarify how the current implementation of NIS2 across member states is treating registrars and resellers, particularly in terms of their liability and data reporting obligations under Article 28? How do those interpretations affect cross-border businesses operating from outside the EU??"

MARK ROBERTSHAW

I'm probably not so qualified to comment on the particulars about where the where the different states are at and where the EU is at. And I think we've alluded to the fact that enforcement probably is not probably coming anytime soon, and I think what has been interesting is watching about how the translation of the directive into law varies country by country. And some countries have taken quite an extreme view, which would on paper cause quite a few problems for registrars and registries in those countries. And other countries seem to be doing a much more tick-box exercise. And it's, I know, looking at that data, quite broad and quite country-specific.

So that would be worthy probably of another session, I think, on that whole topic at some point.

MASON COLE

All right, very good. Thank you for the question, Segunfunmi. Last chance for joining the queue, please. All right, Mark, thank you for your time. Thank you for your presentation. Much appreciated. All right, very good. Okay—oh, Brenda, you you're on the spot. All right, we have another presentation. We've got a guest, and I was gonna ask Marie to make the introduction, but Marie is up getting water. So, Anne-Sophie, welcome to the CSG. You are from the EUIPO, and you have a brief presentation for us. And it's a pleasure to welcome you. So thank you for joining the CSG.

ANNE-SOPHIE DE BRANCION

Thank you very much. Good afternoon. Thanks Mason for inviting me and for the introduction whilst Marie was very kindly providing me with water in case I get some sort of a coughing fit mid-presentation. It's my first time in person at an ICANN meeting so it's all very exciting. and if you have any tips or information about something I should absolutely try whilst I'm here or someone I should absolutely talk to, please let me know. I had the pleasure of presenting to the IPC this morning, and this will be a shorter version, but hopefully for people who have already heard this, the questions will take us in a different direction so that you still get something new out of this. Let's go to the next slide please. I work for the European Union Intellectual Property Office, the EUIPO,

which is an EU agency based in Alicante. It's the office for trademarks, designs, and, soon, crafts and industrial GIs. But we also have some tasks relating to all IP rights, including infringements of intellectual property rights. The observatory on infringements of IP rights is part of the EUIPO. It's a department part of the EUIPO which manages the network and activities of the observatory. But fundamentally, the observatory is a network of stakeholders, which you can see represented here. I will not go through this in detail, but we have representatives of all EU member states, of many private sector organizations, of civil society representatives, and we work with a lot of different departments, services of the European Commission, and, well, the Council and the European Parliament. We have many different work streams relating to three goals. The first one is to provide facts and evidence to support effective IP enforcement policies at the EU level. The second one is to support IP enforcement with the training tools and data, and the third one is to raise IP awareness. Next slide, please. I would like to tell you a little bit more about one of our work streams, which is key for supporting enforcement online. And that is our work on cooperation with intermediaries, which has produced a number of discussion papers looking at trends, challenges, and good practices of intermediaries. We started, as you can see up on the right, with domain names in 2021, the specific discussion paper on challenges and good practices. And then we continued looking at other intermediaries and how their services can be misused for IP infringements and what good practices we see. So we've covered a lot of different ecosystems

over the past few years, which you can see listed here. At the end of last year, we published a study on search. And later this year we will publish one on online advertising. And with that we feel that we will have covered a lot of, or in fact all of, the main players that are under discussion in the context of what role intermediaries can play in preventing misuse of their services for IP infringement. And we will be looking more transversally at updating these good practices with a repository of online IP threats and intermediary good practices, which we would be looking at updating on a regular basis, but starting next year. Next slide, please. We also have a tool to facilitate exchange of information between enforcement authorities and rights holders. That has been the case for a few years, but since last year, this has been opened up to e-commerce marketplaces. We have eight e-commerce marketplaces now using the IPEP tool, some of which I think are BC members. And the marketplaces can use IPEP to authenticate rights holders that want to use the IP protection programs and also to verify specific IP rights. We are, as is mentioned on the slide, also looking at opening up IPEP to payment and social media providers this year. And, well, longer term, we could open it up to further intermediaries, and why not registries and registrars in the domain name space? It could conceivably be something happening one day if there is interest. And next slide please. It's hardly legible but it's basically to tell you that this goal of providing facts and evidence for policy makers also is distilled in relation to domain names. We have published a number of studies in the past few years covering ADR for domain names disputes, cybersquatting, and this discussion paper that I

was talking about on challenges and good practices for registrars and registries. And that is still one of our most downloaded discussion papers. Brenda, you have not already shared the link. I will share it in a minute. Oh, well, thank you. So that is it for this one in the interest of time. Next slide, please. There have been repeated calls from observatory stakeholders for us to get engaged in ICANN matters. So in 2023, we started engaging with the Commission on how we could support their ICANN presence and engagement on IP enforcement matters. The first step was that we organized a couple of informal consultations of our stakeholders to feed into the commission preparations. We did this for ICANN 78 and 79. Now, for the past few rounds, it's been more ad hoc without a full consultation. But depending on the GAC agenda, we might to other consultations. We frequently have discussions on domain names in the working meetings of the observatory network. And apart from the ICANN side of things, we also support the European Commission's DG GROW on the development of the anti-counterfeiting recommendation, and we are now supporting with the monitoring provisions of this recommendation, which include good practices for various intermediaries, including domain name services providers. And this repository that I was talking about before of good practices will be part of this monitoring support we will provide to the Commission on their recommendation against counterfeiting. Next slide, please. So to summarize, I hope to have given you a brief overview of what the observatory does relating to domain names. And I'd like to emphasize as well that within the overall strategy of the EU intellectual property office, facilitating

the interplay between IP rights and domain names is a strategic objective. So in that context, it's also very nice that I can be here today. In terms of specific synergies between the CSG and what the observatory does, we would welcome any input on online IP threats and good practices that we could incorporate in this upcoming repository. We'll continue to do awareness-raising and I would love to hear from you on any further synergies or initiatives that you could see us working on together. Thank you for your attention.

MASON COLE

Thank you very much, Anne-Sophie, and welcome to your first ICANN meeting. Pleasure to have you here. You're drinking from the fire hose undoubtedly, so good luck with that. All right, questions for Anne-Sophie, please. It's her first ICANN meeting. You can't let her off the hook with no questions. All right, I don't see anyone in the queue—oh, I'm sorry. Philippe, please. Thank you.

PHILIPPE FOUQUART

Thank you, Mason. I suppose the question is a very simple one given that ISPs are one-third of the CSG. Do the ISPs ... And we know that nationally sometimes for high profile IEP infringements, there are calls for action to ISPs in terms of DNS blocking, for instance. I was wondering (and I guess we're not volunteering), in terms of your intermediaries in your framework, where do they sit? Where are they? Because you mentioned social media.

ANNE-SOPHIE DE BRANCION

Well, that's a very good question. I think that ISPs can sit in various places, but I think in this diagram that I was showing before, perhaps we could ... If you could go back to it, we have a whole work stream on (I'll wait for it to appear) live event piracy down on the left. So definitely, in that part, which is also, in fact, in implementation of a commission recommendation, there's definitely a very clear and strong role for ISPs. I know that in the context of online search, there were also lots of discussions with ISP representatives on the role of ISPs. So that would be the main two points. I guess that we could also have done a dedicated discussion paper on ISPs, but I think that that is a whole other discussion which is part of other regulatory discussions at the EU level, as you know—DSA, etc. And in fact, I should mention that this repository that I was talking about will also help us support the Commission on the implementation of the DSA.

PHILIPPE FOUQUART

Thank you, Mason. Thanks, Anne-Sophie. And yes, the sort of high profile I had in mind was precisely the football match broadcast that was subject to injunctions—so, not obviously content, but beyond that. So they probably fit under that bucket. Thank you.

MASON COLE

Thank you, Philippe. Other questions? All right. Oh, I'm sorry, Marie, please.

MARIE PATTULLO

Thank you. It's not really a question. It's sort of a comment and an addition. Firstly, this is the first time ever that the European Union's Intellectual Property Office has come to ICANN.

ANNE-SOPHIE DE BRANCION

Hopefully not the last.

MARIE PATTULLO

We're happy about this. Whether or not Sophie will be happy about this, by the time she's come through ICANN, we'll find out. One comment, if I may add on to something you said, Philippe, is there's been a lot of work on what the Observatory calls infringing business models. Now it's headed up by a Danish cybercrime prosecutor, roughly (translation: [Erling]), who used to be a prosecutor in Denmark for cyber issues. And they've done a lot of work into how the online criminal does his or her job and all of the touch points, all of the nodes, a lot on criminal investigation, but a lot on the exploration of how the architecture is used, abused, misused. So there's the link in the chat I've already shared where you can find the publications. But I'm more than happy to dig them out and send them to you directly. They've also done a fair amount of work on apps and again how apps are abused. And a more general point, if I may, Mason, the observatory as a department of the EUIPO ... The job of the EUIPO is to register trademarks and designs. And whether or not you're in the IPC, every business needs a trademark

and a design. So this is important and really important touch points. Thank you. I don't know if you want to add anything to what I said.

UNIDENTIFIED FEMALE Only to say that one of these infringing business model studies that Marie was referring to, which I left out because it's not part of this bit, is about the use of expired domain names by infringers to kind of use the capital accumulated of the expired brand website for infringements.

MASON COLE Okay, thank you, Marie. Thank you, Anne-Sophie. Last chance for the queue, please, for Anne-Sophie. All right, you got off easy with two questions. Very good.

ANNE-SOPHIE DE BRANCION Thank you.

MASON COLE Thank you for joining us again, Anne-Sophie. Appreciate having you here.

ANNE-SOPHIE DE BRANCION Thank you.

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- MASON COLE Thanks. Okay, Brenda has half the agenda back on the screen. So yeah, there we go. So I believe our next ... There we go. All right, our next issue is on our representation on the Board. So we have a discussion on Team 14 outcomes. Paul, you're leading this discussion, correct? Please take the floor.
- PAUL MCGRADY Thanks. I don't know if we have the Team 14 document to put up on the screen.
- MASON COLE I don't know if Brenda has it. Brenda, do you have that by chance?
- BRENDA BREWER I sent it [inaudible].
- MASON COLE Okay, great. Thank you.
- PAUL MCGRADY That's coming from Marie. In the meantime, I will fill the air, because this is something they teach you in improv school, with some questioning the next bullet point, baseline behaviors. Like, that sounds ominous. I don't know what they are, but I sure hope that nobody doesn't do an important baseline behavior. Should be up in a second here. While we're waiting for that, let me give you the background on where we are. We're done. So the document

that you're about to see contains the recommendations of Team 14. The goal of Team 14 was to bring some kind of predictability and timeframes to the selection of the Board Seat 14. Last time we went past time and we got a nastygram from the Board and we're trying to keep that from happening this next time. There will be some in the room and some who are listening remotely who will be unhappy that it does not contain a tie-breaking mechanism. But that tie-breaking mechanism was just not going to be given up by the NCSG. They are opposed to it and there was no way to get there. So what we've tried to do is at least provide some predictability to the time frames, predictability to the process, and then a sort of soft way for the parties to find their way in the event we have two otherwise well-suited candidates that might help to get it across the finish line in time. The rhetoric around all of this is not about tiebreakers and things like that. It's more about timeliness, right? There may be bumps along the way, but as long as we get it within the timeframe allotted, then that is a win. This also deals with keeping the incumbent in mind and doing regular evaluations of who's sitting in the seat now so that in the event that person is eligible for re-election, if there is an issue, that's spotted early. And so one of the reasons that we were late last time is because we had some folks who were unhappy with the incumbent and other folks who were quite happy. And that sort of was a late-in-the-day revelation. So I am out of things to say in terms of setting the table. So I'll be taking any questions and—no.

MASON COLE

Thanks, Paul. Yeah, this is an important issue for the CSG because Paul was right: when it was time to fill that seat, we got into back and forth with the NCSG and it took a long time for us to resolve the issue on a selection of a candidate to fill Board Seat 14. So this is important and this is why it's on our agenda today. And Damon, do you have a question?

DAMON ASHCRAFT

I really don't have a question. I just wanted to note I think this is important not only for the process itself, for the incumbent candidate, but also as a recruiting tool. If the process isn't solid and isn't defined, we're not going to get nearly as good of a pool of candidates as we would otherwise. So this is important for that reason too.

MASON COLE

Okay, thank you Damon. Sorry, we're still trying to get the document loaded. Paul, do you have the document with you? Can you speak from that or do we need to display it?

PAUL MCGRADY

If I can find it, yeah. Apologies. I thought we would ... Let's see if I can This should inspire confidence, everyone. Sorry about that.

MASON COLE

Yeah, Philippe has a question.

PHILIPPE FOUQUART

It's not really a question, but just to put this into the context and this meeting (and we'll probably see this in the document) and to put people at ease, given the past experience, the goal here is essentially, as Paul said, to detect an issue in advance if there's an incumbent that's possibly re-conducted. And given where we are, and if we work backwards, the timing is such that if there is an issue, that should be brought up something like 15 months before the AGM, which means that we would probably need to know within the next few weeks. So no pressure, but this is just to reposition what seems to be an overarching principle document in what we've got today. So something to think about.

MASON COLE

Thanks for raising that, Philippe. You're right. And it is important to identify this early because as you point out, it takes a long time to get the seat arranged, filled, and if there is a problem, it does need to be identified soon. So thank you. Paul, back to you.

PAUL MCGRADY

All right, thanks. We'll just scroll through the recommendations quickly. So Team 14 agrees that the views on the performance of Board Seat 14 incumbent be discussed among the house at least twice annually in order to understand the level of support for possible reinforcement. So that was just what Philippe was referring to. The incumbent will be invited to participate in some or

all of the process, so it won't be in a vacuum. We think that's important for all the reasons that Philippe just mentioned. Recommendation two: Team 14 agrees that a timeline should be established for the process of selecting Board Seat 14 eight months before the deadline given by ICANN. Step one is to remind groups that this is going to happen, circulate the procedure to both stakeholder groups. If the entire house is happy to reappoint the incumbent, then we can skip to day zero. If not, we're seven months before each SG appoints its members and alternates for the search committee. If the incumbent will not be reappointed by acclamation, at that point the search committee will communicate that to the incumbent, and the incumbent will be provided an opportunity to enter into the pool of candidates if they want. Six months before the search committee begins work. Five months before, the recruitment phase begins with a call for candidates. By three months before, interviewing is complete. Two months before, applicant pool is narrowed down through vetting. And then one month before, the tentative selection is made and vetting proper vetting begins. And then, day zero, a decision is made. Recommendation three is that there should be a search committee, which we already talked about. Appointed by each stakeholder group, the search committee will consist of six total six members and six alternates. The numbers will be equal for each stakeholder group. Each stakeholder group will appoint its own members and alternates to the search committee. There will be one non-voting facilitator, not me, selected by consensus among the search committee. The scope of the search committee will be

solely assisting in the selection of the next Board Seat 14 candidate in the following ways. In other words, the search committee doesn't make a decision. It just has a narrow remit. The search committee will request nominations from both SGs following their own procedures. There's not a uniform procedure on how the stakeholder groups get their nominees. Each SV will put forward the names of candidates to the search committee. Search committee will assess the submitted names and identify candidates who are ineligible to serve. For example, if it's somebody that's never been to an ICANN meeting, the search committee will probably flag that person, or if the candidacy doesn't meet the geographic requirements. In our last round, that came as a surprise to people who had spent weeks expressing interest, and, "Oh, surprise, you're from the wrong continent." So we like to cut that nonsense out. It hurts people's feelings and it's a waste of time. For any candidate not selected to proceed, the rationale will be provided by the search committee. In other words, it's not going to be just like, "Well, we don't like you," or whatever. There'll be some reason given. The search committee will develop a standard set of questions for its own interviewing process. And the search committee will begin interviews with the remaining pools of candidates and assign a grade to the candidates. And then recommendation four ... And I'm hoping I'm reading from the correct one because some of this stuff, I think, may have evolved. Let's see here. Yeah, I think I am. Recommendation four on reaching agreement: Each stakeholder group will produce a ranking of the remaining candidates, which is not binding on the

other stakeholder group, and each stakeholder group will then conduct interviews of the candidates of their choosing. And in the event that stakeholder groups are unable to reach a decision on a candidate by the deadline, there will be a strong but non-binding presumption that the candidate that best addresses any imbalances in the current constitution of the Board and best embodies section two of the core values included in the ICANN bylaws will move forward. So in other words, not a tiebreaker, but something to hang everybody's hat on in the event that we have two really good candidates, and the stakeholder groups can't reach agreement on it. What we found, however, last time was, when we kind of stopped pushing our own insiders and we went out to the broader marketplace, we were able to locate some really good candidates and then a decision moved quickly. And so we're kind of hoping that we've learned collectively from that and that this last bit about finding the Board member that best addresses imbalances and best embodies core values might be enough to sort of push something over the edge in time. So again, there'll be some disappointed that we don't have a tie-breaking mechanism. That just was not going to happen, but we are hopeful that by baking in basically project deadlines (what's our deadline?; and work backwards), we'll be given enough time to iron out any problems. Thanks.

MASON COLE

Thank you, Paul. Good overview. And there was a lot there, but we've been talking about how important this is, and it is important

because we played ping pong with the NCSG for months trying to arrive at a good Board candidate. So while we don't have a tie break, we at least have a procedure we can rely on at this stage. And that's a big step forward. So Paul, thank you, and thanks to everybody who contributed to the Team 14 procedure. So we have a queue which I believe goes to three and then we're gonna cut that queue because we need to keep moving. So Philippe?

PHILIPPE FOUQUART

I thought Lawrence was first (well at least initially) but anyway, yeah, just to, if not repeat, clarify what I said earlier, if you look at, yes, this recommendation two, the finish line is not the AGM. The finish line is the deadline for the appointment, among other things, for NomCom to be aware of the appointee. So we're talking probably, what, mid-June or something? Which meant that last time, starting in January, was too late. So it means that if we work about eight months from mid-June it takes us back to something like October. But October is the decision. So if you want to decide with our NCSG colleagues in October, we need to start now thinking about it. And just as a side note, we started consulting within the ISPCP. And happy to share the initial thinking, but just to figure out what we mean here.

MASON COLE

Thank you, and I'd like to politely point out that you will be CSG chair by the time we're ready to start that process. Paul, did you have anything to add on Philippe's comment?

PAUL MCGRADY

I don't, although I failed to mention at the end of mine, which ... It's the first thing I said, which is that we're done, right? And so this is at this point either for the stakeholder groups to agree to adopt or not, right? It's not that we're unwilling to make amendments or whatever, but there's really not a process set up that or for a timeline, right? As Philippe's mentioned, the time's already upon us to get started. Someone said, well, who should comments go to? And in the IPC meeting, I said they should go to John McElwaine, and then he pointed at somebody else. But in any event, they should go to the stakeholder group leadership at this point in terms of "Yes, we want to do this" or "Thanks, Team 14, we don't want to do it." Thanks.

MASON COLE

Thanks, Paul. All right, let's be quick with our questions, please. We're going to get tight on time. Michael Graham, please.

MICHAEL GRAHAM

Yeah, two quick questions. One, does this timeline and recommendation two [not] include a time to consider whether or

not to retain the Seat 14 Board member that we've selected before?
Secondly, what happens if this timeline is not met?

PAUL MCGRADY

So the easy answer is the first one, which is yes, there's a moment in time at the very beginning of the process that if everybody agrees to retain the current incumbent (and that's sort of like retaining that person by a claim), then we do that and we jump to the end.

MICHAEL GRAHAM

So that'd be eight months plus.

PAUL MCGRADY

Right. Yeah. And so then we skip the rest of it and we just inform the Board early that we're keeping who we got. So that would be a great outcome if that's what people want, because then we don't have to do the rest of the process. And that's what happened with our vice chairs on the council. That was just, if you remember, by a claim. Everybody's like, "Hey, let's keep these guys. Hooray. Great." And then in terms of what happens if we don't meet the deadline, well, I guess the same thing that happens last time, which is we embarrass ourselves. The Board chair writes us a nasty letter. We look dysfunctional. At the same time, we're trying to tell the rest of the community that our positions on various topics are rational and we're totally functional, unlike the other guys or whatever. You know what I mean? So there is a baked-in need for all of us to

appear rational. So if we don't meet the timeline, then we will look like we did last time, which was not really all that great.

MICHAEL GRAHAM

So it's based on good faith of both parties, both houses?

PAUL MCGRADY

Yes.

MASON COLE

Thank you, Michael. Lawrence, a remote question. We wish you were here, but go ahead, please.

LAWRENCE
ROBERTS

OLAWALE-

Thank you, Mason and all. Sorry about the background noise. I just wanted to remind us that one issue that we've had consistently has to do with documentation. So my question on [1414] is, how well has this document been agreed and adopted by both houses so that we don't run the risk of implementing this, getting to a point where new NCSG members who should be actioning will come tell us that this is new to them and they are not aware about this just because there are certain [courses] where that might not be in their favor. So I would like to hear what we've done to get this document endorsed because if we are actioning this, we don't want to go far in the process only to have pushback from our colleagues on the

other side that they are not in agreement with what we are reading here today. Thank you.

MASON COLE

Thanks, Lawrence. Paul, were you able to catch that?

PAUL MCGRADY

Yeah. So I think that ... And I am 84% sure about this, not 100% sure. And I'm here without Andrea who's my safety net, but I think that this is something that actually gets baked into the bylaws somewhere. And so if everybody adopts it, I think there is a next step, and then it'll be formalized and will just become operating. If I'm overstating that or if it turns out that I'm wrong, then it'll be my second event of sudden onset dementia for the day for those of you that were in the GAC session. But yeah, I think there is another step that we need to take to bake it in. But if everybody agrees now, then we'll figure out how to bake it in. I can take that on to walk it the rest of the way home, but we can go ahead and get started. on the process right away.

MASON COLE

Okay. Thanks, Paul. And thanks for the question, Lawrence. Damon, you're last in the queue. Quickly, please.

DAMON ASHCRAFT

Sure. I just have a quick question on timing. We're working with an eight-month decision window here to get this done. Philippe, you

had mentioned that the decision was made eight months out. I thought we were starting the process eight months out.

MASON COLE

Paul, still with us?

DAMON ASHCRAFT

So, it reads like we're starting eight months out, not that we've done eight months.

PAUL MCGRADY

So we are ... Let me see if I can pull this back up here. So we are starting eight months before the deadline on this work, right? And so it's eight months out before the decision that we have to get underway. So that's why we're already up against the wall because I think that there is a decision coming our way this fall.

MASON COLE

Okay, thanks Damon. Paul, thanks for that entire recitation of this process. As I said, it's much clearer now and I hope that makes for a smoother road for either reappointment of our current representation or a selection of a new candidate. All right, thank you for that, covering that agenda item. Brenda, the agenda please. Thank you. Okay, we are doing okay on time. So let's go to Susan, who's, again on border-related issues, is going to raise another issue for us. Susan?

SUSAN MOHR

Thanks Mason. And were you planning on sharing the document that we put together or you just wanted a high-level discussion?

MASON COLE

It's up to you.

SUSAN MOHR

Okay. I don't think we're prepared to share it. So maybe in light of the time constraint ... So I think, just building onto the work that Team 14 did, which was fantastic work and really did accomplish at least a good part of the goal of solving the timeline issue, one of the things is we're thinking about the two questions. Do we have a Board member? Does our existing Board member meet our needs and are they doing the work that they should be doing? And then what are the right criteria? In the same vein, what is the criteria for a new Board member? So what's the criteria for an existing Board member to continue their role? What's the criteria for a new Board member? And I think it struck us that through the Board 14 process the last time, we talk a lot about how we disagree with the NCSG. I think it's also true that within the CSG, there's some different ideas of what would constitute good behavior for a Board member. And so one of the things we talked about was could we come up with a set of criteria that we could agree on within our group. And then if we could agree on it, is it something that we could engage the NCSG on so that we had a good idea of where we were aligned or not

aligned as the new Board positions came up for a vote or for a decision? And so we did put together a list of criteria. The criteria was just an initial stab. It was based on two documents that are out there, the ICANN Board of Directors Code of Conduct and the ICANN Board Governance Guidelines, which do describe expectations of a Board member. We did not include the job description. That's probably another resource that we could look at. But I think really the question for this team is, is that work worth doing? Would it make sense for the CSG members to come together and talk through what is expected and what's not expected of a Board member? And I think, going back to Damon's point, not only would that benefit each of the constituencies (again, we may not agree on the outcome, but at least we know where each of the groups are coming from) but it would also provide some clarity and transparency to the Board member so that they're not surprised. So if there is some expectation of the Board member to do something that's outside of what's contained in those documents, I think it behooves us to let them know that so that they're not surprised as we work through that process. So maybe I'll just leave it as a question.

MASON COLE

Okay, thanks, Susan. Questions for Susan, please. Vivek.

VIVEK GOYAL

Just two more sources that come to my mind on the job description and work for a Board member. Every year, the Board gives a

description to NomCom on what they want to elect on what basis. That is quite comprehensive because on that basis, Board members are elected by the NomCom. Second is: every year, the Board evaluates each other, and those evaluations are provided to the person who was evaluated. Now, they can decide to either release them or not release them. Some of them do release them, and that could be a good basis on how Board members are judging others to add to this pile to figure out how to judge Board members. Thank you.

SUSAN MOHR

I think that's a great idea. If we could model our process after something that's existing, that would be a great way to go. So thank you for that.

MASON COLE

Thank you Vivek. Damon?

DAMON ASHCRAFT

Sure, just to follow up on Vivek's point with respect to the internal Board reviews of each other, that information is very difficult to get, just so you're aware of it. As far as actually getting reviews of a Board member, ICANN is never going to give that up. And maybe the Board member will give it up, maybe they won't. So just so you're aware of that.

SUSAN MOHR

And I think I understood ... Oh here he comes. Maybe while he's coming, Vivek, you weren't necessarily saying that they should release that review, but rather that that model that they used to evaluate the Board member could be a model that we could use.

VIVEK GOYAL

Yes.

SUSAN MOHR

Okay.

[CHRIS WILSON]

That certainly sounds more viable. I think, even if I wanted to release the reviews that I got, that would be information that other Board members had provided, and I'm not sure I could convince them that that was something I could put out into the public domain.

SUSAN MOHR

And I would just add that I'm not sure ... I mean that would be interesting to know, I suppose, but I think it's really a matter of what do we think? What are our expectations of our Board member, and can we reach some sort of an agreement, at least in principle, on what those things are?

MASON COLE

Okay, thanks. And Chris, thanks for jumping in. Okay, other questions or comments, please? Michael?

MICHAEL GRAHAM

Just real quick, I think this is a great idea: to set this down to see if we can reach agreement with the other part of the house. I don't know, Chris, if it would help. Probably your input into something like this would be helpful as well, because you see what's happening on the Board with other Board members and your own experience—what does it take to be a good Board member—which I think at the end of the day is what we need for Seat 14. So I think it's a great idea to go in this direction.

CHRIS

Let me just say I'm at your disposal.

MASON COLE

Okay. Michael, thanks for the input. Chris, thanks for the reply. Anyone else? Okay, great. Thank you. All right, Susan, thanks for leading the discussion on that. Anything you'd like to add before we close that?

SUSAN MOHR

Maybe just a question: how would you like to proceed? Maybe what I could do is take another run at the list, and it's going to be still going to be a first stab. I can incorporate Vivek's thoughts and if we

can get a copy of the model that the Board uses ... I'm not sure if that's something you that you could help us with?

CHRIS

I can certainly help with ... It's a questionnaire that's run by a third party, an external group, so we can certainly investigate what the possibility of getting that is.

SUSAN MOHR

And then perhaps we could bring it up again at a future meeting, but I defer to you on that, Mason.

MASON COLE

Absolutely. It's an important issue, so yes, we should. And if there's something you'd like to cover before we get to Oman, Susan, we can always do it over the email list. So, Marie?

MARIE PATTULLO

Sorry to put you on the spot, Chris, but I'm going to put you on the spot. No, in all seriousness, while we're talking about this, what would be really useful for us is to know what would have been useful for you when you were coming into roles. So when we've got a working semi-public version of this (if it's okay with you, Susan, because I'm haven't discussed this with you), what would be really handy is if we can run it by you because when you came into the process, there may have been something blatantly obvious to you

that we simply had not considered. We want this to be as practical and as useful as possible, if that's okay, Susan.

SUSAN MOHR

Yeah, that's a great suggestion. Yeah, thanks.

MASON COLE

I'm absolutely happy to do that. Thanks, Marie. Anyone else for the queue? Okay, Susan, thank you. All right, we are now on our last agenda item before AOB and that is the subject of ICANN reviews, which is another important topic. This has been bandied about in the community for some time, and Philippe is going to lead our discussion. Philippe?

PHILIPPE FOUQUART

Thank you, Mason. I will be very quick and hand over to Tony in just a second. But just to set the context, you may have attended the session during prep week organized by the Board on the ... I think it was referred to as the review of reviews, the deferral of ATRT4 and the completion of the pilot holistic review and the effort that will be together moving forward. I think the purpose of us having this discussion now, which we had to some extent within the ISPCP, is to see whether we need to approach this together as a stakeholder group as opposed to us doing this on our own. So with this on the substance, I'll just hand over to Tony.

TONY

Thank you, Philippe. You refer to it as the completion of the pilot holistic review. I would refer to it as the abandonment of the pilot holistic review. Within the team, there were certainly opposite views that were expressed. One was that it was nothing more than ... I'll say "nothing more," but it was a review of the reviews. And there was another thought which certainly as ISPs we subscribed to, which is that any holistic review had to also look at the structure of the organization as well. I made the point this morning that this organization is well over 20 years old. Its structure has never been reviewed and it certainly was our perspective that we needed to look ahead, not look back at what ICANN had done over those years. But there is now a lot of focus on improving the organization, and I think that's inherent in any organization that needs to happen. So permanent improvement programs is fine, but you also need to look ahead at what the organization has got to face in the future and I do not believe you could do that without having a look at the structural aspects of ICANN. And I understand now that there is a discussion going on where there's likely to be a proposal. In view of what happened with those discussions, perhaps that would enable the whole issue of the holistic review to come back on the table in one form or the other because I came into this session initially to say that I believe that we should, as the CSG, be making some representation over this particular issue. And certainly the elephant in the room has always been the GNSO. And as the CSG, we've got pretty firm views, I think, as to the need to actually look at the structure of the organization. But there are issues that go beyond that. There are

other parties who would like to participate in the ICANN process. It's not easy for them to come in. Having a look at the whole organization and its structure would perhaps facilitate that in a separate way. And we must never lose sight that this is the multi-stakeholder organization. And if there are parties out there that claim they can't be part of that, then it questions the whole perspective of a multistakeholder organization and how that can work. So I think there are some very big issues to tackle here with the holistic review. And it's very, very disappointing the way that it was just chopped and stopped. Certainly that came as a surprise as a member of the team. And I do believe from engaging in that that there is a willingness and an appetite from most people, or certainly from our side, to actually go back and look at how we can reshape the organization in the right way. And it really is way, way overdue. So I think it's beholden on the CSG to make sure that their views on this issue are put forward. If what I've heard recently is correct (that there is going to be a proposal as to how to take this forward), that's probably the time that we should actually come back into this. I think that's going to happen before ... Oh man, it could happen in the next couple of days. But at some stage as a group, a stakeholder group, we need to react to this. The reaction at the moment would certainly be an expression of great disappointment in the way this exercise has been stopped because I don't believe you can go forward as an organization without having a decent review now. So maybe this is something we need to come back on, Mason, and I'm not sure how that fits with the timetable for this group to consider that. It may be that we need to

have a virtual meeting at some stage to address it and to take it forward, and let's see what happens over the next couple of weeks. couple of days. But at the moment, the ending of that group was a severe setback and there's a lot of frustration. We've all expressed the view for many, many years that this was required. Just to chop it didn't seem appropriate at all. Thanks. I'm happy to take [questions].

MASON COLE

Philippe, anything to add before we go to the queue?

PHILIPPE FOUQUART

Thank you. No, just that obviously there's a dependency there, which is the date by which this sort of straw man or whatever (the plan) is published. So we can't really plan for anything in terms of timeline. But as of principle, I think the ISPCP would be interested in knowing whether there's interest or a need by the stakeholder group and how we can approach this.

MASON COLE

Thanks, Philippe. And Tony, thank you. Chris, please.

CHRIS

Really just jumping in here, not with a sort of very ... Well, no, that's not true. A very strong point. I think, Tony, I agree absolutely. Now is the time for CSG to come into this discussion. I think what the Board is looking for here is input from the community, and

anything that we can do to hear that and get real clarity on that is important. I think the distinction you've highlighted there between “is a holistic review a review of reviews or a more structural assessment and review going forward?” has been really fundamental. I think, from what we and the Board were hearing, that was not something the pilot holistic review was able to resolve to such an extent that it would be able to complete its work, which was moving towards a holistic review. There is obviously unhappiness with that decision on various levels, and, and the Board is aware of that. And I think the Board is aware that having taken this decision, the urgency and the need to find resolution and a way forward also kind of falls to us not to develop the solution which needs to come from the community, but to lay the rails and to make sure that we're moving this forward in a timely fashion. So again, please, when we are saying as the Board we want to hear input here, please take us up on that in the most vocal way possible.

MASON COLE

I think we can be vocal. Tony, back to you.

TONY

Yes, thank you. That was helpful to hear that. It was particularly disappointing, I think, that what was stopped was actually the pilot holistic review. It wasn't even the holistic review. It was just the pilot. The question I would keep asking the Board is, show me an organization that's getting on for 30 years old that's never had a

structural review of itself in any way whatsoever because most of those organizations are dead and buried because you have to have that to keep up with events. And something that's evolved so fast over the years is clearly in that category. But I'm wondering now with Chris's intervention whether it would be helpful to actually relay to the Board now our concern over this and the fact that we do support having the structural review as part of that, pending this idea I've heard that is likely to be tabled at some stage. Maybe getting our view out there first, the seriousness with which we view this, and [that] that's an absolute core element for us that we support [...] If that would be helpful, perhaps we should do that anyway, Mason, now. Thank you.

MASON COLE

Chris, I don't want to beat this issue to death, but what form of input is the Board looking for and how soon would it be useful?

CHRIS

I think the most straightforward is always probably a letter to the Board chair. I think there's not at this stage anything on the calendar in terms of a webinar or a meeting, and probably the fastest and easiest way is that letter. So yeah.

MASON COLE

All right, thank you. Tony, is that something you would be willing to help the CSG with?

TONY I'd be pleased to. Thank you.

MASON COLE Thank you very much. Okay. Follow-ups for Tony and Philippe on this issue, please? Paul?

PAUL MCGRADY 10 seconds for Chris in terms of optics. It would be really wonderful if the Board could start saying "pause" instead of "suspension." And I don't know if I missed that because I had to step out for an emergency call, but the haters are latching onto that and declaring the end of ICANN accountability, and the whole world's melting down and all the other excitement that they like to churn up. And so whatever y'all can do to make it clear that there's a pause, but we're gonna get there and start doing that kind of communication, suspensions and that ... Suspensions lead to people making claims of cancellation. Pauses might make them lead to claims of suspension, and we can live with that, thanks.

CHRIS So the Board has been doing everything in its power to use the word "deferral" rather than "suspension." Suspension has come from other sources. And so anything we can all do to shift the rhetoric back to deferral is absolutely welcome and important. And it captures the reality of the situation. We don't foresee this as,

“Okay, we have suspended, cut off, canceled any of the accountability.” It's about pausing a certain mechanism to address issues that came out of the previous ATRT. And as I say, we understand the urgency that we have put this situation in by pausing that because bylaws are important, but the perception of the Board is that the fiduciary responsibility warranted that that pause, given that we were already in violation of the strict letter of the bylaws in terms of timing for the ATRs.

PAUL MCGRADY

Thanks for that, Chris. I've been using this metaphor or analogy (I can never remember which one it is) that, yes, there's a right to drive on a freeway, but if there is a pileup of cars, it's not wise to keep driving cars into the back of it. And so it's okay to pause the traffic that would otherwise pile up while you clear the initial wreck, right? And so I think that's how people understand that that's what's happening. It's not that the freeway has been canceled.

MASON COLE

Okay, thanks Paul. Anyone else for the queue, please? Chris, thanks again for jumping in on that. And Tony, thanks for leading the effort. Much appreciated. All right, we are at AOB on the agenda. I wanted to raise a couple of issues. One is I want to remind everyone that we have a meeting with our housemates, the NCSG, on Thursday, and that will be at 9:00 a.m. So put that on your calendar. The one thing that we haven't talked about in this meeting today is

DNS abuse, and that is a hot topic this week. And it's been very much on the agenda of the CSG for the past, I don't know, year or so, and on the BC's agenda even before that. There are a couple of abuse-related sessions that you should know about. The registrars are hosting a panel discussion tomorrow on DNS abuse examples and what makes a good DNS abuse report. That can be a helpful session if you're available. That is 10:45 tomorrow morning. And then on Thursday, our friends from the ALAC are hosting a session on sort of the overall picture of DNS abuse discussions in the ICANN environment. So, as the CSG advanced some ideas on DNS abuse starting in Istanbul last fall. The ALAC is now active on DNS abuse. Contracted parties, as I understand it, are about to have a proposal on abuse. We've got the NetBeacon proposal on various forms of abuse mitigation. So there's a lot of abuse talk going on right now. This is very important to CSG and its membership constituency, so if you get a chance to engage on abuse this week, I really encourage that. All right, so we are at AOB. Any other business for the CSG, please? Yeah, Chris?

CHRIS

Yeah, thanks, Mason. I just want to point out one other session that could be interesting. So tomorrow [inaudible] Wednesday, at 1:45, the ccNSO is doing a desk session on online scams and financial crime. So very closely related to DNS abuse, not DNS abuse but abuse online.

MASON COLE

Excellent, thank you for identifying that for us. Okay, anyone else?
Turns out I was over-optimistic about breaking early but we were
four minutes early. So thanks, everybody. CSG is adjourned.

[END OF TRANSCRIPTION]