
ICANN84 | AGM – Joint Session: CPH and NCSG
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SUE SCHULER

Hello and welcome to the memberships of the Contracted Party House and the Non-Commercial Stakeholder Group. Please note that this session is being recorded and is governed by the ICANN Community Participant Code of Conduct, the ICANN Expected Standards of Behavior, and the ICANN Community Anti-Harassment Policy.

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BETH BACON

We always start with a little standoff. This is Beth Bacon, I'm chair of the Registry Stakeholder Group. Thank you folks for joining us. Delighted to have more time with the NCSG and we're glad we're doing this on a more regular basis. We were just with the SSAC and they did a nice thing where they went around and introduced themselves. I'm not going to do that again. I am going to, however,

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ask that if you're a registry, just raise your hand so people know who you are.

All right, registrars. NCSG. Hi, guys. I will not make you introduce yourselves. And, Owen and Rafik, if you want to say a few words.

OWEN SMIGELSKI

Thanks, Beth. I just want to echo what she says. Welcome. Glad that we have this opportunity to talk and catch up and make sure that this is something we continue to have ongoing because I think it's very good. We have some common positions on things. It's good to continue to collaborate.

RAFIK DAMAK

Thanks, Beth. Thanks, Owen. It's good to continue to have this meeting and to go through several topics of interest for both of our groups. As you can see, and it's shared on the screen, we have quite a long list of topics. Maybe if you want, we can rearrange. We can move maybe a few previews to the end and we start with DNS abuse.

BETH BACON

Thanks. I think I'm perfectly happy to start with DNS abuse. So we did update the agenda pretty late in the game. So if some of those are a surprise to you, I do apologize for some of those. And we let the NCSG know that from registry perspective, we have some views already pulled together on a couple of those, but others, we might just be in listening mode and just absorbing from you. And I think

that that's great and we can always loop back again later. But I think happy to kick it off with DNS abuse.

Owen, do we want to give a registry/registrar point of view? NCSG very kindly shared your position paper with us. So I think that's going to be something that we want to touch on as well. So maybe you want to kick off.

OWEN SMIGELSKI

Sure, I can kick that off. So hi, this is Owen Smigelski for the transcript and those online. So I had a very nice little lively discussion earlier today. I know there's some good NCSG participation on that session as I look at our two participants over there, thank you. You know, cause we had some good alignment agreement on there. So I guess I kind of just want to put it out there and see if there's anything else we want to do discussions.

I think we're probably pretty familiar with our positions of the registrars and registries each did their own public comments as well as a joint contracted parties comment as well, too. We're supportive of the initiatives as well as having them be narrowly scoped. And then also sequential, which I think are the important things there. So I will pause here and see if anybody from the NCSG wants to jump in, Farzi.

FARZANEH BADIEI

Thank you. Farzaneh Badiei speaking. So as you saw, GAC insists on like implementing the PDP in the contract before the launch of

the New gTLD, which is very ambitious. And I think it's impossible. And it's concerning for us because if we rush things through, then the appropriate safeguards cannot... like we might miss stuff. And I raised it at the Council level as well. It's just that, what is your opinion about the timeline that the GAC is insisting?

BETH BACON

Owen is like, please. It makes more sense for me. So this is Beth from Registry Stakeholder Group. I've spoken to several GAC members just on that particular statement they made a few meetings ago. And I think that it's not something that they are going to die on that hill, not to speak for them. But I do think it's very important to them just for the sense of urgency. They wanted to make sure that within the GAC advice previously on DNS abuse, they wanted to see action and movement on the PDPs.

I do think that it is, and I've voiced to the several of our GAC friends that it's somewhat impractical. If you look at the timeline for new gTLDs. And then the timeline, even if we do it perfectly for the PDPs now, they don't mesh. But the beauty part is if it's a PDP and it becomes a consensus policy, it will be binding on current registry operators and future registry operators. So it's not that it's not going to apply to them.

So I think there was maybe a little bit of a misunderstanding of how that might be applicable. But also very happy to just clarify that and work with you guys to, to share that message. I think either way it's going to apply to registry operators as a consensus policy,

and registrars as well. So whether they are active or applicant or in future. Does that help? Okay.

OWEN SMIGELSKI

Thank you, Beth. Roger.

ROGER CARNEY

Thanks, Owen. Thanks, Farzi, for that, too. And I'll echo non-committal discussions with GAC members as well that, again, I think moving is something that they want to see done. Now, exactly what they mean by before was, I think, something you actually brought up and said actually in chat or something. It's like, okay, what does that mean? What is before? And different GAC people have responded different when I've talked to them from, well, before it starts. And again, that was kind of not sure what they meant by start, but others were before delegation start happening, which is a big difference.

But again, I'm not going to commit them to what they have heard, but I think as long as we're moving, it's going to satisfy most of them. And I don't see how that doesn't support our idea of putting one item first and not trying to do them both at the same time. It seems like they're looking for us to be as quick as possible. So it only makes sense that we pick one of them and move, pick one of the easier ones and move it forward. So I think that hopefully that they're saying what supports us in our discussions as well. So just my thoughts. Thanks.

OWEN SMIGELSKI

Thanks, Roger. And I do agree on that as well, too, that the sequential part the doing at the same time, I don't know that that would necessarily make it faster because you've run with constraints of ICANN resources, plus also the volunteer resources, how many people can participate in that? And it's double the calls, double the work, double the stuff, coordination, etc.

So I think doing that where there's you're clear, you're not distracted and focused on other things as well. Obviously we're doing more than just these PDPs for our day jobs or volunteer work. But I think, yeah, I think that makes a lot of sense and hopefully that's something that we can get through and it's not something that's pushed too much.

ROGER CARNEY

And just one thing to follow up on that. And sequential doesn't mean that the PDP finishes and the Board approves it and we move on. I think sequential, to me anyway, and what I've been telling people is we get the work done, get to a final report or even initial report, and then we can start the next PDP. Get the meat of the work done, as Owen says, so that there's not so many conflicts with people's time. But it doesn't mean that we have to wait the six months it's going to take to get through Council and Board to start the next one. I think we can sequential them in a logical order. Thanks.

OWEN SMIGELSKI

Yeah, I agree with that. Michaela?

MICHAELA SHAPIRO

Yeah, we'd just like to concur. I think that sequential option, from my sense, of NCSG's position is one that we would support. I think just to reiterate for those who maybe weren't in the room earlier today, just we do have a concern around capacity for the NCSG to be able to engage in these discussions. And we're excited to see where it goes. So we want to be able to be in the room and participate as actively as we can.

One thing I just wanted to raise that I've been thinking about since we had the session this morning is there were a lot of terms thrown around that I'd be really, really interested in getting more clarity on. And I don't know if others in the room were also wondering about this when it came to, for example, and forgive me, I don't have the questions in front of me, but from one of the polls, there was around, I think it was behavioral friction, if I'm not mistaken, versus identity based friction. And after the session, someone raised the question to me about perhaps there might have been some misunderstanding personally on my part, or perhaps from NCSG or some definitional lack of clarity, opacity around how those terms are being understood.

So I'd be really keen if others have thoughts or just questions about that as well. Why don't you just throw that out there? Thanks. I'm sorry, Michaela for the record.

OWEN SMIGELSKI

Thanks, Michaela. And just my thought was, I think they're kind of putting the cart way before the horse on that stuff, trying to consider those things. We don't even know the composition of the working group yet, or how it's going to, what the timeline and process is going to look like. So trying to get into those nitty-gritties about how are you trying to slow things down or whatever, I think that's much better to be discussed. Then later, it's certainly things to have me perhaps over cocktail hours or whatever, in more of an informal to kind of get understanding, but there's just so many different things that we can do to create that type of friction.

But no, it's also like a highlight. Thank you very much for raising that it would be difficult for the NCSG to be able to do two concurrent things in there. So certainly that gives more support to try and make that argument that we can't do those types of concurrent things. And I certainly think what we've been saying support that, but that's even more plus on top of that, to make sure that you guys are represented adequately there as well, too. Beth.

BETH BACON

I'm just coming back on the mic, Beth Bacon, because Roger has made me paranoid. I was anecdotally talking about what I've heard

from the GAC and not committing the GAC. These are things that I am thinking, because he made me paranoid because he made hard eye contact when he said he was not committing the GAC. I was like, yes, sir. So I just wanted to say that. And then also to Michaela, your point, it's a meaty set of topics. And so I think the capacity to participate is a real thing. And you guys do have representative slots.

So I think it's important that as other participants in the PDP, if you want, need any assistance in the NCSG, if you want to coordinate, collaborate in whatever way, and we're very happy to do that to make sure that everyone's participation is robust, because otherwise what's the point? So, we have Seb, who raised his real life hand, and then Sarah.

SEBASTIEN DUCOS

Yeah. So I'm not going to speak on behalf of the GAC. You said it even better than I would, Beth. We got an advice on this, on the topic four months ago in Prague, having a consensus on asking us a year before the program to move and do work, no difficulty. Having a consensus in two years, whilst we will have proven during two years, and if we do the work, that we're moving forward and etc., we'll hear voices from the GAC until the very last moment that we haven't done enough, but that's not consensus. And I think that that consensus bar, yeah, it will be hard to read. And then GAC advice is GAC advice. The Board still also has something to do and say about it afterwards.

OWEN SMIGELSKI

Thanks, Seb. Sarah?

SARAH WYLD

Hi, this is Sarah. I want to go back to Michaela's really good point about the different ways of looking at the person who maybe is doing abuse, investigating that report, because I do think it's an important distinction and useful to make sure that we're using the same words to mean the same thing. So the two ideas were either activity-based review or identity-based review. Identity-based, as I understand it, and so I could also be wrong, I think that would be checking the person's ID. Bad idea.

Activity-based would be, is the domain being used for DNS abuse? What evidence was provided? What's the registration data? When was the domain registered? Do they have lots of domains or only one or two? What did the DNS records point to? What actual activity is it being used for?

So it's the activity of the domain name and the registrant in that context, not other aspects of their online behavior, like what websites are they visiting? Did they like a kind of post on Facebook? It's not that kind of investigation. It's very specific to the domain, and so it's great that you raised that because it's not clear and should be made clear as we move forward so that we're all going the same way. Thank you.

MICHAELA SHAPIRO

Michaela Shapiro. No, I just wanted to respond to that, Sarah, because it builds on, we were having a conversation about this topic earlier and I-- sorry, I just started to lose my train of thought, but I was-- oh sorry, just to recall that this sounds like information that you would typically already have available to you as a registrar. It would not be a collection of additional data. And that clarification, if I understood that correctly, is one that's very helpful for me to know.

SARAH WYLD

Yes, thank you. This is Sarah, just to respond really quickly. Yeah, a very important data protection activity is minimizing the data that we process. So if we can address and mitigate DNS abuse without collecting additional data, that's a win for everyone. Thank you.

OWEN SMIGELSKI

Thanks, Sarah. I appreciate you bringing up definitions and stuff like that. Next, can you work on what accuracy means? Sorry. Bruna?

BRUNA SANTOS

Hi, just maybe going back to a conversation we had on the chat during the DNS abuse session earlier, maybe a suggestion for us would be to try to start a conversation on accountability practices, because I think that also for NCSG would be interesting on some parts of this conversation, especially on the incoming PDP. We

know that a lot of the commercial practices can't, shouldn't be disclosed, but at the same time, it would be interested in engaging on a conversation regarding accountability practices and how to bring them to the PDP charter and so on. So, yeah, thanks.

OWEN SMIGELSKI

Thanks, Bruna. Sarah, I'm guessing that's a legacy hand, which I heard that term earlier today, and I love that. That's much better than old hand. Jen?

JENNIFER CHUNG

Thanks, Owen. I think that was for me and I was schooled by the very Vint Cerf to use legacy hand instead of old hand. So I'm trying to do that. But yes, Vint said it, so it must be right.

So I now putting on a different hat, talking a little bit more about the session we had earlier. First of all, like big ups for the entire community coming with a lot of very constructive comments. I think we've taken that in and we want to make sure that the terminology we use, especially when we're framing any part of the charter, any part of how we're looking into the PDPs need to be really accurate. I know accuracy is a thing here too, but talking about the questions, not anything else.

But I really appreciate the nuance here and especially the expertise from CPH, from NCSG, from NCUC about this. I think that will go a long way in informing how we're able to frame the work we're going ahead in a very focused manner effectively to get to solutions we

really want. So I'm not going to speak for the staff, but they certainly will be taking all of that into account and we're making sure that the Council will have that discussion.

Just a really quick reaction. I know Bruno brought up the accountability part as well. I don't know what that actually looks like and this is my ignorance, please forgive that. How are we able to build that into the PDP process or how we're looking at the charters that are not already built in? Just a quick question on that, thanks.

BETH BACON

Bruna, do you maybe want to follow up?

BRUNA SANTOS

I mean, I also don't have an answer for that. What I was suggesting is like starting a conversation between us just so we could try and shape what accountability would look like in the context of this incoming PDP, just that.

BETH BACON

Okay, I think that's great, Jen. Good.

OWEN SMIGELSKI

We have an empty queue. Anyone else? All right, Farzi.

FARZANEH BADIEI

So I did what Mark did yesterday. So I just wanted to say, maybe we can take this offline, but you were interested in having a PDP, I mean some of the registrar, in having a PDP, a topic on the DGA, Domain Generation Algorithm, and like protocols like that. And it seems like that was left out of the priorities for now. But we can have a conversation about that because that's, at NCSG, we also like have expertise in botnet mitigation and we have academics that have followed these issues. So, we can help with making that maybe in the future, coming up with a PDP on a topic like that.

OWEN SMIGELSKI

I'll take this one. Sorry, there's been a little confusion because I put my size 14 feet in my mouth. That's a size 48 for EU a couple times on this topic. The registries and registrars are aligned on that and think that there should be some community work, perhaps a policy on that. But there's a bit more complexity with the DGAs because to be fully effective, it requires ccTLDs.

And so there's a way to how do we figure that out with the ccNSO and ensure that it's something that's complete and does that. And there's been confusion because the report starts talking about three topics and then ends with two. And so that's some of the confusion, but that's certainly something that the contracted parties support a policy work on.

CATHERINE PALETTA

Thanks. This is Catherine Paletta from ID. I just also want to note that everything Owen said is absolutely correct, but there's also a staff decision, right? Staff wrote this and staff's conclusion was maybe we don't need a PDP on DGAs. And I think what we've heard is that there's really great community engagement on these two other topics, which were more front and center in this report. But I don't think that means it goes away, certainly. And there were all these other gaps identified at the same time.

And so I think it's important that we keep all of these three topics and then all the other gaps identified out there as this work on DNS abuse doesn't stop at two PDPs, but what do we think is most achievable? What do we think is going to be the fastest? What's going to mitigate the best? And then what's the right process to do it?

As Owen highlights, there is a process, we could do a PDP on DGAs, come up with something that works really well for gTLD registries and CCs get totally left out of the process and we've left this giant loophole. And so I think it just, we need to be careful about how we approach that on a procedural level, but we shouldn't let that hold up things that we know process that we can get started right now. And certainly this won't be the end of the DNS abuse discussion. So we want to keep all of these topics under consideration. Thanks.

OWEN SMIGELSKI

Thanks, Catherine. And those who are not as fluent in English as I am, putting size 14 to my mouth means putting my foot in my

mouth, which is saying something I should not, which I did earlier. So apologies for that. Reg, you had a hand, but it disappeared. Reg no longer has a hand up. Anybody else on DNS abuse? Oh, Dennis.

DENNIS TAN

Thank you. Dennis, Verisign, Registries. Very nice. I just wanted to mention, I think was briefly mentioned at the beginning about the NCSG position paper on DNS abuse. Since we touched on, it was shared with our group. I read through it. I think the precision is the thing that I'm about to focus on in the executive summary. To my reading, it might come across as if the legal framework upon which we operators are governed with, right, I'm talking about the RA, RAA, do not offer the safeguards for registrants, which is not accurate.

So I think you might want to tweak that language a little bit more and potentially refer to the parts of the contracts that do offer safeguards to registrants, whether it's the RA or RAA. But so just a constructive feedback as you plan potentially to distribute across the community. So it should not come across as the legal framework does not offer those safeguards. Thank you.

OWEN SMIGELSKI

Thanks, Dennis. Anyone else on DNS abuse? All right. Seeing none, let's move on. Review of reviews. Who is taking this?

So another work that we are doing, we are trying to do this kind of like iterative process of doing Human Rights Impact Assessment on various services and experiments that are being done by ICANN. And one of them is RDRS. We had a session yesterday, thank you so much some of you attended, that we discussed different like RDRS issues, but we want to kind of do that more and be very project specific and take small issues. I mean, RDRS is not a small issue, but I mean, contextualize it and continue doing that.

Another thing that we are doing is trying to contribute to the design of the human rights check that PDPs have to follow from now on. And that's about it. Michaela, do you want to say anything? So our question to you is that, do you find this work useful? How can we make it better? We have been like collaborating on HRIAs with Dennis and others, especially on, like we did a presentation. It's all started by doing a presentation at your outreach and so how can this work help you? How can we collaborate?

CHRIS DISSPAIN

Thanks, Beth. Thanks, Farzi. Just a question for me, actually, just to go back to the GAC communique. Do you draw a distinction in your analysis between the actual advice, which is really the only thing in the communique that has any real meaning and the kind of commentary that goes along? Because often there isn't advice. So do you make that distinction in your impact assessment?

FARZANEH BADIEI

No, but that's a very good-- yeah, because usually there is no advice, as you said, but we work on. It's an iterative process. So we are going to consider that.

CHRIS DISSPAIN

Thanks.

BETH BACON

I'd like to call on me. Thank you. Feels we're doing that. This is Beth. So I just wanted to kind of generically, it's a bad term, but generically say I'm very happy to take some of the work that you're doing. Cause I don't think everyone is able to make it to the sessions, but I also, I wanted to say also the session that you guys did the day before yesterday was excellent. Really enjoyed that. I thought it was very well done. And it would be great if the fruits of your labor are disseminated.

So if there's things that you want to share with the registries, I'm very happy to say here's a gift from the NCSG. Please take a look. And then we can have that time to actually come back and have some conversations that are a little more informed from our side. So I'm happy to take that action as out of this. And if you guys want to share some of the work that you've been doing on RDRS and that sort of thing, as it's considered, very happy to do that. All right. Michaela, did you want to come back on that particular? Okay.

MICHAELA SHAPIRO

Just a quick response to say, Michaela for the record, that we are very keen to have these be useful for the entirety of the community and particularly to reflect the realities that we may not be aware of cause we're not living the day to day, or at least I'll speak for myself. I'm not living the day to day realities of being a registry or registrar operator. So the perspective is very necessary.

So particularly when it comes to the kinds of recommendations that will be included in these HRIAs, we'd like to make sure that they actually are actionable and useful for those in the room. So that would be particularly hopeful. So thank you. And we will definitely be taking you up on that offer, Beth. Thank you.

MICHELE NEYLON

Michele, not Michaela over here. I think this is really, really interesting because this is grounding issues that some of us have raised repeatedly going back many, many years, but it's grounding us back into things that people cannot avoid like fundamental rights. As a registrar, you are forced to sign the contract that ICANN presents to you. You can dislike it, but you cannot negotiate it. The most you can hope to do is try and get potentially a waiver for the data retention. And having gone through that process, I wouldn't wish it on my worst enemy.

So I think underlining in these kind of things, and I think it definitely is an iterative process, about and flagging some of these issues is really important because if we need to remember that the you cannot simply keep putting extra burdens on registrars and

registries and registrants and think that they're going to continue to use domain names. They're just going to start using platforms, and then this all disappears.

BETH BACON

We can never say that Michele doesn't bring the sunshine. Roger, you're next.

ROGER CARNEY

Thanks, Beth. Farzi threw me for a loop at the end of our transfer PDP. We had written our final report and then she jumps in and says, hey, let's take a look at this. And one of the things that came out of this actually was a suggestion that even if the assessment's not done up front, the acknowledgement in a PDP or a charter that you should be aware of human rights impact is something that I think the transfer group implicitly did, but it wasn't something they thought about. And I think if it's put into a charter that, hey, think about this, that at least gives that working group a chance to think every time they do something, if it matters or not. Just my thoughts. Thanks.

BETH BACON

Thanks, Roger. Manju?

MANJU CHEN

Yes, again, I blame myself. Sorry, this is Manju from NCSG. I blame myself for not promoting this enough, but ever since the Latin

Direct Critics PDP, Human Rights Impact Assessment is incorporated in every new PDP working group charter. So we're waiting for the Latin Direct Critics to be the first form of this one. But I assure you, ever since Latin Direct Critics, from now on, every working group PDPs and the GNSO will have a requirement of doing a HRIA, Human Rights Impact Assessment in their charter. And again, sorry for my voice.

BETH BACON

Michael? Oh, there you are.

MICHAEL BAULAND

Yeah, thanks. To what Manju said, yeah, we as a Latin Direct Critics PDP have that on our to-do list. We wanted to do that on Saturday in the session here, but unfortunately some other tasks took a bit longer to discuss, but it's one of the next steps we are doing in two or three weeks on our agenda.

BETH BACON

I don't see any other hands in the queue. Anybody? All right. The next one up is RDRS. It's one of the new ones. Is that one that you want to talk about? We were reordering a little bit. Great, I turn it to you since you teed this up.

RAFIK DAMAK

Yeah, thanks, and again, thanks for accommodating that we made some requests to change in the agenda. So yeah, we had three

topics. I think they are kind of all linked, but we will start with RDRS, and you'd ask here maybe for Zainal to, I mean, to give an update. Here, as you said, we want to share and if it's possible to hear from your side and your thoughts on the topic.

FARZANEH BADIEI

Yeah, so sorry, I actually suggested to add this to the agenda. I didn't know I'm going to talk about RDRS for like two days. So the work has been done. One thing that about RDRS, so the reason I asked for it, but since it has been kind of-- so if I'm not mistaken, the Board is doing some kind of gap analysis and is considering to make RDRS mandatory. But that doesn't mean that-- yes, I think Sebastien puts frames this much better than me, because I would just say, yeah, the Board likes to make this mandatory.

And we mentioned this yesterday in our RDRS and Human Rights Impact Assessment as well, that's making it mandatory, then it might cause risk to the registrants and end-users, and we can discuss those.

And another thing is about the authentication of law enforcement, which we deeply care about because that's one of the high-risk aspects. So, this PSWG has a plan to come up with some kind of mechanism for light authentication of law enforcement that can be done through RDRS. We haven't made progress on that one yet, but I just wanted to know your general opinion about mandatory RDRS and authentication of law enforcement.

SEBASTIEN DUCOS

This is Sebastien Ducos, and as the chair of the RDRS, so there was a statement made in that direction by Becky Burr, who's the Board liaison to the RDRS working group, telling us two, three weeks ago that indeed the Board had requested a gap analysis from staff, a gap analysis that will be published at the end of the week, on the differences between the different existing policy work and different stage of flight and RDRS, and to see what needed to be done to bring all those into RDRS. And she did mention on that call that the Board thought as important mandatory participation to the RDRS. Having gone immediately to staff and say, hey, we're second here, you're going too fast, there's been a fair amount of backpedaling.

So there is a gap analysis. That gap analysis will be ready for public comment at the end of the week and will be published open for public comment at the end of the week. What Becky was referring to is one of the recommendations of SSAD that doesn't make mandatory participation. And I can't quote it right here, but in a convoluted way, suggest that if we have a centralized system, everybody should be participating. It's not a recommendation. It's a, hey, centralized system means everybody is in.

I think that indeed the GAC and the Board and their capacity, and they're going to be very careful about how they word it, will put some kind of pressure for us to organize that. I think it's also for us to give a response to this where we don't ignore the fact that a centralized system sort of implies that people participate, but find

a way that participation be realistic for everybody. And that we, either we don't have a centralized system at all.

And by the way, I keep on repeating, registrars have an obligation to have a system of their, or a process of their own to respond to requests, or we have a centralized system, in which case at the very least, we should have some kind of directory in there for those registrars that don't want to participate on how to find the information in order to be able to formulate that request.

So I think she went slightly beyond her thought. I don't know exactly what happened because Becky is certainly known to be very precise about the wording she uses on the mic this time. But there's been, again, a fair amount of backpedaling. And in any case, the Board wouldn't, or the Board says, we wouldn't allow ourselves to say that like that. We don't make policy. And policy anyway needs to happen, and we'll prime, and that would be. But, in any case, as of tomorrow, there won't be mandatory participation in RDRS just because the Board has said it.

OWEN SMIGELSKI

Thanks, Seb. Sarah.

SARAH WYLD

Hi, this is Sarah Wyld. So from the registrar's perspective, as we said in our public comment, we support the RDRS as a voluntary system for registrars to participate. We do not support it to be a mandatory system. I am interested in the gap analysis. I

understand that it is appropriate for the Board to request information, but any policy decisions will, of course, go through the policy process, and I trust that the Board would follow the appropriate process at that point. Regarding the authentication, we are participating in the ad hoc group that is working on it, but it would still require policy work if it is to be a requirement for contracted parties. Thank you.

OWEN SMIGELSKI

Thanks, Sarah. Michele?

MICHELE NEYLON

Yeah, thanks. And I've said this elsewhere, it's Michele for the record. The push towards mandatory I find absolutely ridiculous, and it is very offensive, and I'm glad to hear that they've been walking this back a little. The entire idea of the centralization of this federated versus other types of mechanisms were discussed to death when we were on the EWG going back, what was it, 10 years ago or something? I don't know. I got lots of grey hairs. It was great.

I mean, the arguments around access to WHOIS data are not new. This has been going on for a very, very long time. ICANN only started taking this stuff seriously when European law gave it, finally grew teeth. Until it grew teeth, they didn't care. They ignored it. Now that it has teeth, they're struggling because they're trying to pander to certain interests, and there is definitely still this kind of

thought process that if there is a centralized system, that then there will be kind of automated decision making, which again, of course, ignores lots of other things. And ultimately, we're going around in circles. We're circling the same bloody topic that was the reason I first spoke at a microphone at an ICANN meeting 18 years ago. And it's bonkers.

So I don't know, I think some of the progress has been made, that it's things like these HRIAs, things like that, I think these are very, very welcome. But we do need to make it very, very clear that other things simply cannot happen unless and until other parties within the system cooperate. So law enforcement, for example, are meant to be working on some kind of way of authenticating themselves. That still hasn't happened. But that's been an ask that's been on the table for, I don't know, 12 years, 14 years. So I don't know. I find some of this stuff just exhausting because it's not a new ask. It's just with a different dressing on it.

OWEN SMIGELSKI

Thanks, Michele. I've got Beth, Marc, and then Farzaneh. Oh, Mark is Beth, sorry. I get my Beths confused.

MARC ANDERSON

Thank you. I wasn't in the queue. So thank you, Beth, for raising your hand for me. Marc Anderson, Registries and the Registry representative to RDRS. Much of what I was going to say was

covered quite well by Sarah and Sebastien. So I'll just try and add a couple thoughts to that.

The first thing I want to say is I'm very curious to see what's in the gap analysis when that paper is available. I think it's a little speculative to respond to some of what you asked until we see that. What we've been told is that it will go out for public comment. So we'll have an opportunity to review it and to make comments on the substance of that. So I am eagerly awaiting that and I look forward to seeing the contents of it. And depending on what's in that report, we might have feelings that we want to share. We might not.

The other thing I want to say Farzaneh, when you kicked off the question, I heard that you were concerned about the push for mandatory participation and that that may have some human rights impacts. I think I want to say to this, registries and registrars have an obligation to respond to requests regardless of whether or not they're a participant. So I'm not sure that the RDRS necessarily changes that impact, but I think it's certainly still a consideration whether you're participating or not.

FARZANEH BADIEI

Thank you. So when we started our RDRS HRIA session, we mentioned that RDRS in some sense, because it does these reports, it brings more transparency to the system. Because not all the registrars provide transparency reports on how many law enforcement requests they get, how many IP requests they get. But

those reports are in RDRS and I think it's monthly reports, and they are very useful for holding the system accountable for preventing the system from getting abuse. So we like that. But we want to make sure that if this becomes mandatory, the reporting continues.

But the other risks that I'm saying, and it might sound hypothetical, but there is a risk. But these are all in terms of risk. I'm not saying that it's like a direct danger. So one of the problems with a centralized system that also authenticates the law enforcement is that the registrar might not, not all the registrars will just be like, some of them might just say, okay, authenticated law enforcement from a centralized system that ICANN has approved, do the disclosure and without any kind of safeguards. So, if we make it mandatory, we want to make sure that the system has the necessary safeguards in place so that these things that don't happen without creating more policies for you.

MARC ANDERSON

Thanks. Marc Anderson. That's helpful context. Thank you.

OWEN SMIGELSKI

Thank you. Farzaneh, was that your intervention with your hand or... okay. So that's a legacy hand. Manju?

MANJU CHEN

Thank you. Let me try again with my voice. So, I'm a bit confused. I think that standing committee RDRS has already produced a

report and it's like kind of already a gap analysis to the Board, but the Board went ahead and do their own gap analysis on top of that. If I am the chair and I'm part of the committee, I will be super offended. I don't know why we're so calm about this.

And like, what's the point of doing two gap analysis? Are they using a total different set of people to do this? What are the rationale of doing this while the community is doing this work? Are they not trusting us to do our work? Are we not bottom up multi-stakeholder model anymore? I'm just, I asked things in question out of outrage and I don't know why you guys are so calm. Thank you.

SEBASTIEN DUCOS

So super offended was a very nice way to put it. I would have used another word. Yeah, I don't understand either. And this has been obviously asked or apparently asked after Prague. So it's been going on for four months. It takes time to produce these reports, and we find out about it now. Yeah. I was offended to put it very mildly and, and not just for myself, but for the group of people that spend long hours doing that.

OWEN SMIGELSKI

All right. Roger, and then Mark.

ROGER CARNEY

Thanks. And maybe Seb can answer this or not, but my understanding was this a gap analysis was for policy. If policy was

required to enact certain things, especially authentication was my understanding what the policy, at least that's what I got from Becky when she came was that policy, that gap analysis was about policy. If policy allows it or doesn't allow it, or if there's another policy that needs to happen to make these things happen, but that I don't know if that's true or not. Thanks.

SEBASTIEN DUCOS

Can I answer?

OWEN SMIGELSKI

Marc, and then Michele, and then Beth. Oh, sorry, Seb, go ahead, yeah.

SEBASTIEN DUCOS

I haven't seen the report. Nobody has seen the report. As Marc said, we need to maybe wait a few days to see the report. My understanding is that it's the entirety of policy that is connected to it and where we're going, but let's look at the report when it's published.

OWEN SMIGELSKI

Okay. Mark.

MARC ANDERSON

I'm trying to cage my response to this and maybe I'll respond by asking Andrew a question. Have you had your session with the

Board yet? And maybe that's a better question for them than for us. I'll maybe just leave it at that.

OWEN SMIGELSKI

Marc doing a little ghostwriting. Michele.

MICHELE NEYLON

Michele for the record. I think this issue with the Board kind of trying to get a different answer. I mean, when I started hearing this, I was going, hold on a second, my government did this a few years ago. It was like, they put something out, we voted on, they didn't like the result, so they put it to us again and basically put it to us again until we actually voted the way they wanted us to. And that, to me, it seems like bad faith.

And I think we need to ask them, it's like, is this what you're doing, or are we, are we being paranoid? And if we're asking the question, it's because you've lost our trust. And maybe you might want to do something about that. Because if we're asking that question, it's because we think you could be doing this in bad faith. And we wouldn't think that if we trusted you. So I don't know. Maybe I'm more paranoid than other people. I don't know. Okay, Sebastien, behave. For the transcript, Sebastien's making odd faces at me across the table.

OWEN SMIGELSKI

I look forward to reading that in the transcript. Beth?

BETH BACON

Is it going to say Sebastien mute's face? I think that these are all speculative in that we haven't seen the gap analysis. And it would be very nice to not talk about a gap analysis that we haven't seen. I do think that the Board can ask questions, not saying that it's good or bad. We're weighing into what level of paranoia Michele operates on, which I think is a very healthy level. Totally fine. But I think that it behooves us to, A, ask the Board these questions, not ourselves, because we don't have the answers. And then B, wait for the actual report, take a look at it. And I think and then at that point, if we have some questions, and we have mutual views, thoughts, concerns, let's look back together and talk about that.

OWEN SMIGELSKI

Next in the queue is Reg.

REG LEVY

I'm going to increase Michele's paranoia. Who is recommending that they do this? Where did this come from? Did they come up with it on their own? Because as Michele said, we fight the same fight over and over and over again, with many constituencies. Everybody wants more access, easier trademarks in the DNS, like everything. And so we have to keep pushing back.

And it feels like someone got to the Board, because they've completely subverted the entire process, turned everything on their head, and are just operating off the rails. And I don't feel like

this is coming from inside the Board, it sounds like they got it from somewhere. And that is concerning to me, because not only are they no longer operating within the bounds of how they should be operating, they're taking advice from places that they are not public about. Not transparent, sorry.

OWEN SMIGELSKI

Thank you, Reg. Catherine; no, Chris.

CHRIS DISSPAIN

I just wanted to say, again, just that at least it's read into the record. What Reg says may be correct. But it's really important that we-- and Michele may be right. And Michele's point about bad faith is a perfectly justifiable one, which is, or rather trust is a perfectly justifiable one. If you're asking the question, there's a trust issue. But actually, the truth is, we don't know anything really, other than we've heard this. So let's wait and see. And then we can react to it and pounce if we need to. But stoking the fires right now doesn't really achieve very much, because we don't know what fire we're stoking.

OWEN SMIGELSKI

All right. Thanks, Chris. Rafik?

RAFIK DAMAK

Okay, thanks. I'm hearing all those comments. So I think the blame here in the Board, because maybe they didn't communicate well

what they wanted and why they requested. So, I mean, we are here in the position to wait when the report come to make our mind. I think this, I do see it as a big issue of communication and what they wanted to convey to us.

So maybe this, for each group to raise this during their interaction with the Board, we expect better maybe to understand the background, why they made this request, what they are expecting, because we heard about bad faith, trust, and so on. But I think they have to do better. And that's what I can see from my side.

OWEN SMIGELSKI

Thanks, Rafik. Oh, Michele had a hand, but it's gone. Okay, no more hand. Okay, I guess we'll move on to accuracy per Farzaneh's request.

FARZANEH BADIEI

Okay, thank you so much. So we have the accuracy conversation at ICANN. They keep saying that, oh, yeah, there's no definition for accuracy or there is a definition for accuracy. Accuracy means contactability, and contactability does not mean identifying the domain name registrants. And we have this strong position, and we have done a position paper. Ken, do you want to come and tell us a little bit about the position? Is Ken here, or...?

KEN HERMAN

I had to move down to find a seat. This is Ken Herman for the record. Thanks, Farzaneh, and I appreciate the introduction. I'll

only take a few minutes. First, we can start out with the advertisement. We have a session on accuracy on Wednesday afternoon that will delve into many of these topics at 4:30, so we can have a bit more in-depth discussion and a few other speakers there.

But we're trying to talk about a world where you don't have to show your papers in order to register a domain name that's happening in places around the and we believe, we in CSG, believe that it's not a role that ICANN should be playing. I'll try to show in the next couple of minutes that such a conflation of accuracy and identity is bad for the internet, it's bad for people who use the internet, and for trust the internet, and it's not really good for anybody.

We believe that accuracy is contactability, first and foremost, serves as ICANN's mission. The fundamental requirement for the DNS is to be able for parties that register domains and who manage that ecosystem to be able to get in touch with one another. In order for that to happen, they need accurate contact information, and that should be about it. By requiring registrants to disclose personal identity, etc., ICANN and its parties become global identity authorities. That goes beyond what we believe ICANN's role is, and it doesn't really serve its mission.

Expanding accuracy to include verification of identity comes with a lot of risks. There's a vast increase in the amount of sensitive data that registrars maybe are holding, raising the risk of surveillance, breaches, misuse in general. Being more anonymous provides

privacy and security protections that are fundamental for exercising opinions and free expressions, as well as makes it a bit better.

We do recognize that many stakeholders groups have some concerns, law enforcement, intellectual property, and even contracted parties, which we hope we can learn about more here if there is time, but certainly at our session later. We believe that all of these concerns can be addressed using existing mechanisms. I just want to finally say that defining accuracy as contactability ensures that ICANN can fulfill its mission and stay focused on the technical issues involved in maintaining DNS stability while respecting human rights commitments that are embedded in the bylaws.

That's my summary of where we're going. Again, 4:30 on Wednesday, we do have a session on this, and we have a position paper in progress. Thanks, everybody.

OWEN SMIGELSKI

Thanks, Ken. As a survivor of the Accuracy Scoping Team, that was so much of a fun process where we never got anywhere because we couldn't agree on a definition of accuracy. Thanks for that intervention. I can't speak on behalf of the CPH or the stakeholder group because we haven't discussed this topic yet. I know there's some ongoing work in the GNSO Council, but I already have your

guys' session on my calendar, and I will see you there. Michele, you got to go real quick.

MICHELE NEYLON

Yeah, Michele for the record. I just think it's really important to try and get the message across to people that as a registrar, we would have a lot more information than domain registration data, and that conflating the two constantly is really, really annoying, and I wish people would stop doing it. I obviously do have contact information, but I really don't want IDs of people because that's a risk, and I don't want that risk. That's not good.

BETH BACON

Thanks, Michele. I think on that note, we have about 30 seconds left. Does anyone have any questions, comments, concerns? Sorry? Are you just peanut-gallering over there?

MARC ANDERSON

Just saying thank you.

BETH BACON

Okay. The peanut gallery says thank you. Thank you. Again, I appreciate the good exchange of ideas and positions that we get to do with the NCSG on these issues, and I think it's something where we may be trying to do a little more intersessional follow-up because this is a lot of information, certainly on accuracy, but other things as well, and I think there's good spots for us to collaborate.

RAFIK DAMAK

Thanks, Beth. Yeah, I think there are a lot of follow-up and intersessional work we can do, and I guess that's a task for the three of us to coordinate till the Mumbai meeting. Thanks.

SUE SCHULER

Thank you. We can end the recording.

[END OF TRANSCRIPTION]