
ICANN84 | AGM – GNSO: CPH Membership Work Session
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SUE SCHULER

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OWEN SMIGELSKI

That's my turn, I guess. Okay. Good morning, everyone. I'm Owen Smigelski, Chair of the Registrar Stakeholder Group. Welcome to the CPH membership meeting. Hopefully everybody's having a good time, and I guess we just jump right in. I don't have anything else, Beth.

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BETH BACON

Go for it.

OWEN SMIGELSKI

Let's go for it. Okay, all right. Next slide. So, basically, first thing we have here really is the prep for the ICANN Board which is after this. So, we've got questions from the board as well as the CPH topics. So, we will go on to the next slide and start going.

So, I'm not gonna read it here since everybody's capable of reading themselves, but this is what the board posed to us. And I think we have our-- next slide, please, I think we have what is our suggested priorities there. So, we have the priorities, DNS abuse, efficiency and effectiveness of the multi-stakeholder model as well as internal governance. Beth.

BETH BACON

Hi, friends. This is Beth Bacon. I just wanted to flag if you were in our first session, first day, I think we started out of the gate strong with the CPH session, I can't remember. These are the general priorities, but we have a pretty comprehensive notes document, so if you are on tap to discuss these, please let us know and you should take a look at those notes. We can send them around, the link around as well.

For the priorities, I just-- excuse me. I just want to note, we have in general, the response to the question is in buckets of things that impact policy, things that impact internal ICANN governance, and

then the broader internet governance ecosystem. So, for internal priorities, DNS abuse is that policy priority that we've chosen to highlight.

And then I think we do have a couple other flags, which I think for issues that we did not discuss, and we're actually blatant oversights that we all forgot, and I blame everyone for that. So, I think we'll put Catherine on tap for that. But DNS abuse is that first policy priority, and I think we'll have another one under there.

And then for efficiency and effectiveness of the multi-stakeholder model, that's really kind of encompasses both the internet governance things as well as like that broader ecosystem. But for governance, we specifically have a few things listed out, and that's RIRs, sorry, the work on RIRs, ICP-2 RSO governance, and review of reviews. I would like to flag a couple of perspectives to see if we can get a CPH perspective on review of reviews.

Registries have a couple of thoughts and feelings about the direction that's going, and I wanted to share and discuss those. And then for, I'm sorry internet governance, just flagging the WSIS process and that we appreciate that ICANN has been active and a good convener on that effort. So, I just wanted to add a little color to those. Catherine, did you want to.-- okay.

CATHERINE PALETTA

Thanks. This is Catherine Paletta from Identity Digital. I was thinking about this and I remember the next round, and I'm

thinking that should be one of our policy priorities that we highlight to the GAC. Who are we talking to? The ICANN Board. I'm asking today because I got a little bit of a cold.

So, that's Mike's use. But obviously we're looking at this April deadline, and given what we've heard about the registry system testing and the RSP pre-evaluation this week, which we've talked about and the kind of lack of clarity from ICANN about how that may impact or if it will impact next round, bringing that up to the board to say, we think it's really important to meet these deadlines, we think it's achievable, and we think you should do everything that you can and direct Org to do everything that they can to meet these deadlines. Thanks.

BETH BACON

I see Jeff, your hand was just up, but now it's not.

JEFF NEUMAN

No, it's not.

BETH BACON

So, you still want—Yeah. Okay.

JEFF NEUMAN

Sorry about that. I don't know why it came down. Yeah, Jeff Neuman. I think I would add the next round, but I wouldn't put it under policy, I'd put it under I guess-- well, I don't know where implementation would fall, but I'm also thinking about the

implementation and then the assimilation of, at least for the registries, assimilation of new entrants and increasing participation within, and it kind of relates to what I've heard Owen and the registrar speak about, which is trying to have initiatives to get representatives from under developed nations and that registrar support type thing.

That's where I would put it because the policy, I'd like to maintain the position that that's done, and there is no more policy that needs to be developed for the next round. So, if there's implementation or something like that, I'd rather put it in that kind of bucket.

BETH BACON

I don't think in this particular sense-- there're just general buckets. I don't think we're saying that there is more policy work be done, but this was a policy process, this is a thing that we're doing now. I don't think that it's-- we're not saying that there needs to be work done, but we can find maybe a different home, but it's just a general bucket. It's not meaning that there is more work to be done. That wasn't that intention, but thank you for the clarification. Chris, and then Roger.

CHRIS DISSPAIN

Hi, this is Chris Disspain. I just wondered, in the GAC yesterday with the Board, Becky, gosh, Becky talked about the Board thinks

there's a way of introducing the authentication mechanism for urgent requests without using a policy development process.

And she may be right, and that may be a great answer, but I wonder if we should bring that up because my concern is not so much that there might be a way of introducing it without a PDP, but much more importantly that if it's gonna be introduced, it needs to be for everybody.

It's not just, oh, the Indian government will simply send you a list of law enforcement agencies, which is what the Indian government guy said he would do. So, just wondering if we should flag that we need to have a conversation about that at some point. Thanks.

BETH BACON

Roger.

ROGER CARNEY

Thanks, Beth. This is Roger. Since Jeff brought it up and there's no policy work to left to be done before the next round, except the GAC specifically says DNS abuse has to be happening before the next round. Is that something we want to talk to the board about? Catherine.

CATHERINE PALETTA

Thanks. This is Catherine Paletta. I was gonna speak to the DNS abuse item, and specifically reference that to say, basically what I was gonna say is, DNS abuse is gonna be really important. The

community is focusing on these really narrowly tailored PDPs so that we can achieve something quickly and efficiently, et cetera, et cetera.

We've got Board readiness, we really appreciate the Board's engagement with this PDP to make sure that once we send recommendations to the Board, they can be reviewed and adopted by the Board as quickly as possible so we can get things done in a timely manner. I wasn't specifically gonna thinking to reference the GAC next round timing, but more as a, hey, PDPs need to move more quickly.

We heard the GNSO talk about that with the board yesterday about how the Board's not always picking up recommendations in a timely manner. We're thinking about this with transfer PDP, right? Like, when are you going to look at the recommendations?

Because the GNSO can do its process as quickly as it can do its process, but if the Board doesn't then pick up the recommendations, what was the point of moving so quickly? The Board then needs to follow through on theirs. And so to kind of say, looking to you to also feel the urgency of moving these DNS abuse PDPs forward quickly. Thanks.

BETH BACON

Thanks, Catherine. Thanks, Roger. So, I have a point for this and then a point for Chris and his item. So, I think also we did discuss this yesterday. There's a meeting that we were in where we talked

about this, and I think it might've been the SSAC, no, it was NCSG. There were people in the meeting. We were in this room. It was NCSG.

And I did note in discussions just kind of off the cuff very casually, not attributing anything to any GAC members, is that they wanted to reinforce the urgency. And I did point out to a couple of GAC members individually that whether these PDPs are done before the next round or not, once it's consensus policy, it applies to anyone who is going to run a registry or registrar.

It's consensus policy, it doesn't matter when you're accredited or when you're not, or when you get delegated or when you don't, if it's policy is policy. So, I think it will apply to them out of the gates, and I think that's what the concern is because there's the timeline of there's a long application period between that and then delegation, nothing's really gonna happen.

So, I think that maybe gave some comfort, but I think that's also just something to keep in our pockets as we talk to folks that, in the end, I do think that it's going to be applicable to them before they're delegated.

And then for urgent requests, Chris, we also had a little bit of a conversation in another session and there's a lot of confusion around. Becky's made a couple of-- I'm sorry, what was it? Brecky is her name? Well, Becky, Gecky. Longtime board member, Gecky

Gurr. She's made a couple of questions, they also requested a report from an like a gap analysis from staff on this.

And I think there was a lot of confusion because we then started to talk about a gap analysis that did not exist and what that content might be, and that was pretty not a great use of time. So, I think that if we do this, just to clarify, I agree, we do need to say like, can we just have a conversation about this? We're flagging this. And we know you're doing this gap analysis, we look forward to once that is done to have a chit chat. Huh?

CHRIS DISSPAIN

They're not doing this mystery gap analysis.

BETH BACON

A mystery gap analysis that was supposed to be last week. So, I think if we keep it generic, that's really good because otherwise, I don't think we're prepared to talk about that. Okay. Great. Just wanted to clarify. Is everyone fine with adding?

CHRIS DISSPAIN

Maybe we could just ask it to pick up on the point she made to the GAC and make the point to us and say, we think we can do this without--

BETH BACON

I don't know, do we think we can?

CHRIS DISSPAIN I'd like to what she thinks.

BETH BACON Oh, what she thinks. Okay.

CHRIS DISSPAIN Yeah, exactly.

BETH BACON Because I think that she's gonna say, what do you think? And we're gonna be like, we don't know, we're just trying to figure it out. Okay. Just to clarify, I want to make sure that we weren't on the fly making some registry registrar positions. Does everyone feel comfortable with adding that generic general question of urgent requests? And then also really good flag from Catherine that we all forgot about the next round.

CATHERINE PALETTA Thought about it too much.

BETH BACON Thought about it too much. It's just part of us now, yeah. Okay. Marc.

MARC ANDERSON

Thanks, everyone. Marc Anderson, for the record. I guess I have kind of a point of order question. The slide up there is CP response to questions from the Board. And the question from the board is essentially what do we see? What should the Board's priorities be? And I think in our conversation, we've gotten away from responses, from the response to the Board question, we've gotten into our priorities for the Board, right?

But I think basically we're mixing two topics. And Chris brought up RDRS, which I think is a good topic, but that's not a topic for a response to the Board question. That's a topic for us to bring up to the Board. So, I guess I'm just, I think we just need to be clear on which we're talking about.

Are we talking about response to the Board or our topics? And to be clear, I do think RDRS is a very good topic, and we should bring it up, but not as a response to the Board's question. Well, both because I think-- so, I was in that session where Becky was talking to the GAC, and the gap analysis paper, she has a new name for it, she's not calling it the gap analysis paper anymore. But that's a paper specifically to-- it's a gap on RDRS.

So it's about RDRS, but Becky at the time also spoke about implementation of urgent requests and specifically whether or not a new policy work would be needed for registrars to integrate with the authentication piece of the PSWG is working on. So, the two are unfortunately overlapped.

BETH BACON

Yeah. And to be clear, as you can't see my screen, I'm making all these notes under our CPH issues. So, I think we did kind of veer off. I will say I don't think that it's bad to say next round as a priority, because I do think that that is an, kind of as to, again, to Jeff's point, kind of an operational implementation priority. But if we talk about CPH topics, we do have RDRS, which you already bold, Marc, right there in my notes.

And again, I'll send these around because we made some edits. And then there's DNS abuse with a big old Catherine next to it, and then registrar in underserved regions. And then I have under added from this discussion, which I think are, again, really good adds, urgent requests, and just that general kind of connection and question about, because the question, I think, again, this mystery gap analysis that we keep talking about that doesn't exist and we don't know what's in it, so we should probably just stop wasting a lot of our time on it until it comes out.

I think that they're looking at, can there be a connection between the work of RDRS and the work of urgent requests and the law enforcement authentication because folks are putting in their minds, like, this might be a thing that we could all do together. And I have thoughts and feelings about that, that I won't share right now because we don't need them for this meeting, but I do think that that's something absolutely we need to keep an eye on. So, yes, long answer, yes, they're all on this topic, so good call. Thanks.

Does anybody else have anything? Let's slide per the point of order. So, the CPH response to the priorities question, we again, have those three buckets. We've got DNS abuse and next round, and then we also have-- we flag again, RIRs, ICP-2, RSO governance, these things, noting very particularly, and thank you to Keith for these words that the CPH supports the evolution of ICP-2, it's improved enhanced governance of the IRS. Thank you, sir. I think that's a great way to move through that.

And just for calling, I think this was another bit of conversation, and the reason we're flagging it is, we do a lot of really important governance things. The names often forget about the numbers, and the numbers are important too. So, we want to make sure that that's, that's flagged, and then also the review reviews. Is everyone comfortable with that? Oh.

SUE SCHULER

I do have something in chat from Ruben, and he says he cannot speak right now, and he says, "don't only think we should mention the IGO INGO acronyms."

BETH BACON

I'm gonna pretend that Rubens's isn't in the chat. I was kidding. Are you being facetious? No, you're being real. Okay, discussion. Is that something that is ripe to discuss with the Board? To be clear, our list is getting long. Nacho.

NACHO AMADOZ

So, the IGO INGO of nightmare was discussed yesterday also with the Board when we talked about what was the perception of many of the members of the council regarding to the letter. That was one thing. But also, we seem to be getting this back on track to have an option that is going to be approved by it or with the language proposed by Susan.

So this seems to be-- yeah, sorry, John. So, the two things for that is, one, it was discussed with the Board in connection with the letter they sent. And second, we think that we are going to have one single motion for our council tomorrow, and that will be the one proposed by Susan, and the others will be withdrawn.

BETH BACON

Catherine.

CATHERINE PALETTA

I've got a different topic. Come back to me.

BETH BACON

Not Catherine. Jeff, are you on IGOs?

JEFF NEUMAN

Yeah, thanks. Jeff Neuman, for the record. And Nacho, that's a different issue than what Ruben has brought up. The topic Ruben has brought up is a GNSO policy that was initially sent to the Board in 2013, which was the release of the IGO acronyms, again, which was 2013, 2014. GAC had some advice of course, and basically, it's

been on hold until for a couple things. One is a curative rights mechanism developed for IGOs, which is an implementation.

Now, there is an issue that may or may not come to the council on that. I still have to talk to Chris about that. And then there's ICANN building apparently what you would think would be the most complex system in the world which is really merely checking the zone files, and if there's a registration of an IGO, they have to notify the IGO.

Apparently, that costs several million dollars and takes 13 years to develop. But that's the issue. So, many registries have asked for the release of those acronyms. They've been asking since 2014, and that's the issue that's being referred to. I think the other issue, as you said, is being worked on and solved, and hopefully. Thanks.

BETH BACON

Thanks, Jeff. Chris.

CHRIS DISSPAIN

Thanks, Beth and thanks, Jeff. Yes, IGO acronyms for years of my life I'll never get back. I suppose my question to Rubens would be what would we be bringing it up to the Board for? There's an IRT going on the moment. Jeff and I are both on that, and I know there's some issues bubbling, but I'm not sure that we'd have a reason to actually say anything to the Board, given that it's in an IRT right now. Thanks.

BETH BACON

Thanks, Chris. I agree. Rubens, if you want to put in the chat, is there something specific you want to do? Is it something we can do more quietly with staff and raise that and say, ask them what the status is, considering that ongoing process? Jeff, can you put your hand down? Unless you're gonna use it right now.

JEFF NEUMAN

Yeah, I think I was gonna say it's not right now a Board issue, but certainly one we should bring up with staff because it's waiting on them. Thanks.

BETH BACON

All right. Rubens, are you comfortable with that? Trying to look in the chat. I'll give you a minute. And on that, let's go to Catherine, and we'll come back to Rubens.

CATHERINE PALETTA

Thanks. You did a good summary, Beth, of the Board topics, and I just want to maybe parrot back what I heard to make sure we've got the set up alignment. My understanding was we're talking policy and policy implementation, basically, priorities.

That's DNS abuse in next round, then we've got governance priorities, or internal governance priorities, which is RIRs, ICP-2, RSO governance, review of reviews. And then we had an internet governance topic that was, there's gonna be output from WSIS+20

in December, whatever comes out of that, you should be paying attention to it. Is that right? Yeah.

BETH BACON

Yes, you are perfection. I also just put the updated link to the notes that say all these things in the doc because I don't want people flying blind, but there were just random comments and I was trying to clean it up while we're doing this. But yes, that's perfect. And then we go into the CPH topics.

CATHERINE PALETTA

Which was RDRS, registrars, and underserved regions, and then DNS abuse again, but basically just saying, remember what I just said about DNS abuse a minute ago that I think, unless there's something else.

BETH BACON

As well as urgent requests.

CATHERINE PALETTA

And urgent requests. Thank you. Yes.

BETH BACON

Is everyone comfortable with those topics? Okay. So, I'm gonna flag Chris, if you're gonna be around, if you want to ask the urgent request question. If not, I can do it because I'm in that sync, but if

you're there, spectacular. Owen is obviously going to wow us on registrars in underserved areas.

And again, if you go into that link I just dropped in the chat, you'll see all sorts of edits and things on the fly. And please note, we do have a lot of talking points in here. It's just so we can get our brains around the comments. It may not be exactly what we say, but it is to allow us to make sure we have the entire picture of what we're thinking and what our positions are. I see a hand from Keith.

KEITH DRAZEK

Yeah, thanks. Hi, everybody. It's Keith. Just in terms of process or time management, we have DNS abuse in two places, do we really need that or is it gonna be essentially covered under the Board topic? Do we need to repeat it on the list or is it two separate discussions?

BETH BACON

So, in my mind, I think that we're gonna flag it up at the top as a priority, and then those supporting notes if they have more questions, I think those are just to supplement that discussion. And if we come back to it, that's just extra. But again, I think we're just trying to really comprehensive so that folks felt comfortable with what-- we're not making it up on the fly as we go up there on the Board. Good flag. Thank you. I don't see any other hands. Owen, do you want to talk about underserved regions?

OWEN SMIGELSKI

Excuse me. So, hi everyone. Owen Smigelski for the transcript online. So, for the registrars and underserved regions, this is something that came out of the Registrar Stakeholder Group Strategy Session after the Prague meeting. There was a registrar sponsored event at the ICANN meeting in Rwanda, and they invited a bunch of local RW registrars who are not ICANN accredited to kind of talk to them about that.

ICANN was there, and the big topic on their mind was, hey ICANN has a requirement of a \$70,000 US, in working capital available to apply, and you have to demonstrate that as part of the application process, and they wanted to know some flexibility because we don't know where that \$70,000 came from.

It's arbitrary, it's been around forever, and certainly, it's one thing to have \$70,000 in the United States, but \$70,000 in Rwanda and other underserved regions is a significant ask. And they asked if there was some flexibility on that. And they were told no, there's not. I've since learned from talking to ICANN Staff that there is some flexibility, but the webpage that explains this, it's not very clear and it's not very welcoming and it's not very open there.

And as we're going into the next round, there's an Applicant Support Program. There's a way to encourage more registries to become registries and that, but registrars are kind of being ignored in that. And to make new gTLDs and new registries successful, it's good to have that local presence.

So, if you're trying to ensure that there are registries in other regions, we need to make sure that there's also registrars along there to support that. So, this isn't really something that ICANN is doing right now. So, this is just kind of teeing this up as a way to get ICANN Org, the community. We did mention this to the GAC, we think this would be a good thing for them to be involved in as well too. So, there's some further discussions going on.

We're gonna raise this with the ICAN Board just to kind of set that up and see what there is. I don't necessarily have the solution for it, but just to make sure that it's on their radar and something that can be prioritized going forward to make sure that there are ways to have more registrars come online on board and increase the participation globally in ICANN. Brian, you have a hand?

BRIAN CIMBOLIC

Yeah. Thanks, Owen. Brian Cimbolic, PIR. Just to say I think that's a great topic, and I think that it's not something that I've heard discussed in the community broadly, and I think it's a great thing to tee up, particularly you think about part of the reason behind the applicant support process is to help bring underserved regions online. Well, we all know that registrants don't really typically engage with their registries at all. So, I think it's an excellent and worthwhile endeavor.

OWEN SMIGELSKI

Thanks. I wanted to also just add that we're not saying that we need to lower the requirements for becoming a registrar. Certainly, you need to have the technical know-how and whatnot and stuff like that, but just kind of instead of-- we keep raising the bar, but at the same time, it drives out people who could be good registrars and the cost of compliance and all that stuff. So, it's just trying help raise the playing field for those who might otherwise not be able to participate. Michele.

MICHELE NEYLON

Good morning. Michele for the record. Slightly hung over Michele because, yes, last night was a busy night. How can I put this diplomatically? A white American raising the issue of underserved regions seems a bit weird. I'm sure we aren't there any other people within the contracted parties who would be more suited to speaking to this topic, because no offense, Owen, it looks a bit odd coming from you.

Secondly, in terms of discussions around this, part of the issue has always been that the entire application process for registrars is very, very American focused. The language it uses refers to constructs that are only available to entities in the US. So, trying to translate that into what is acceptable by ICANN in other parts of the world has always been a bit of a challenge.

And this is speaking as an Irish company that went through the same process going back, I don't know how many years it goes, it took us three or four years to work out that what ICANN was

actually asking for wasn't what ICANN was asking for, the way it was phrased.

The other thing that you'd need to note is that if you are looking at insurance requirements and anything else with respect to the ICANN accreditation, in other words, the contract between the entity and ICANN Org, you also need to bear in mind that there can be extra requirements imposed by the registry operators.

So, doing one without discussing the other will end up causing even more frustration. This was something that was dealt with previously by Fadi going back about 10 years ago. So, it is something that was discussed in the past. It's not something that is completely new.

The other thing also worth flagging is that the Board needs to decide what it wants. Does it want registrars and registries in underserved regions, or does it want to impose more barriers for entrance into the market? They can't have it both ways. It is just not possible.

In previous conversations around this, we have argued, because the GAC was looking at this through their own working group on underserved regions, we have argued that because so many registrars who operate a wholesale model or just basically operate in multiple territories, that the argument that the regions are underserved isn't entirely true, that they can be served other ways. So, by changing the way you're approaching this, this is actually

flipping it on its head a little bit. So, just something to bear in mind.
Thanks.

OWEN SMIGELSKI

Thanks, Michele. Catherine.

CATHERINE PALETTA

Thanks. This is Catherine Paletta, white American here to speak on this. I was just gonna suggest that you specifically reference the Applicant Support Program for new gTLDs. Use that phrase, make the connection that that's what you're seeing and saying actually that's not the only underserved kind of area. Like, that's not the only area where underserved regions would benefit from ICANN's focus. Because as I've said, I think there's a lot of energy around applicant support, and it's making sure that those two dots are connected.

This isn't about-- oops, sorry, this isn't about making it easier, as you said, like lowering the bar, it's too hard to be a registrar. It's about lifting up these regions through these programs that ICANN has clearly prioritized and done a lot of work on and seizing on that. And so making sure that those two things are connected for the Board and the rest of the community as we talk about this topic.
Thanks.

OWEN SMIGELSKI Thanks, Catherine. Noted in our notes. I'm guessing old hands. Anyone else on this? Marc? No. Yes.

MARC ANDERSON Sorry, not this topic specifically, a different one. So, I was just gonna suggest RDRS and urgent requests are one in four and maybe should be put together there, unavoidably overlapped. So, I would suggest moving them together. I don't care if it's up or down, but we should put them in the same spot.

BETH BACON I'll obviously move it up. And I would like us to never say that they're unavoidably linked ever again out loud in front of people because then we're gonna get do the thing together. But that's my inside voice. What are we whispering about?

OWEN SMIGELSKI I don't know.

BETH BACON So, I think the whispering is that we would also like a registrar available if there are questions about urgent requests. Chris is gonna make the-- I think it's meant to be very generic in that the question is, tell us more about the weird whisperings we're hearing, what are you thinking? And then, so Roger, you want to, okay.

So, I'll have Chris to tee it up and then Roger to come in. Chris and Roger sounds like an excellent soft shoe team double. I look

forward to the interpretive dance. Thank you, friends, for being so willing to chat about things. All right. So, I think I feel like that is it. Actually, I do want to say I like that we had our opportunity to have the closed session in the very top of the meeting so that we could hash all this out.

And then obviously, things develop and we learn more as we go in. So, a couple days later, it's nice to have our traditional session kind of right before. So, I found this very helpful. If you guys like that, we are doing the notes. This is only the second time that we've done kind of like strong talking points.

If you like that, let us know. If you don't like it, keep it to yourself. You can also let us know, and we'll keep doing that because I think it's helpful. We have a lot going on and it's helpful to organize our thoughts. Ashley, where are you? Oh, there you are.

ASHLEY HEINEMAN

I'm over here. Ashley with GoDaddy, Registrar Stakeholder Group. Sorry, this was moving so quickly and I was doublet tasking, my bad. But what are we saying on urgent request just to make sure we're all on the same page?

BETH BACON

Chris.

CHRIS DISSPAIN

Yeah. Thanks, Ashley. I think it's just two things really. It's that we want-- Becky said in the GAC yesterday that they think that they can-- so as you know, the idea is there's an authentication mechanism, so, it's a staged process. There's the policy that says urgent requests, and in order for the policy to actually work, there needs to be an authentication mechanism so that you know that they're law enforcement making the urgent request. And there's a couple other things as well, which I won't go into now.

So, what Becky said with the GAC yesterday was that they think the Board thinks they have a way that they can introduce the authentication process without a policy development process. Okay. So, I want to ask her to explain that and what it is that that means and to flag that what we are hearing from some governments is that as far as they're concerned, they'll just be able to provide a list of law enforcement agencies.

And that's not what we had in our heads, because what we had in our heads was like a closed loop where you had to become accredited and that would mean that you were deemed to be law enforcement. That's all. But the main point is the first one, which is, what did you mean when you said we could introduce authentication mechanism without a PDP? It may be fine, but I want to know what it is and what you're talking about.

Because we need to make sure that it doesn't run away with us. Because What we don't want, at least what I think we don't want is, for example, the FBI to come along and say, we have a process. So

you can now deal with our requests, the others will catch up later. So the Europeans will catch up later or whatever. What we need is a global process that says if you come through this as an accredited law enforcement agency, then the urgent request thing applies to you.

And what the governments think is that they can make up their own authentication processes along the way. So, we just need to make sure that everybody's very clear about that, I think.

ASHLEY HEINEMAN

Thank you. I appreciate it. I just want to make sure that we are on the same page because I didn't know we had talked about it collectively. So I appreciate that, particularly since I don't know that we've had, I hate this word, fulsome conversation about are we aligned that we agree that additional policy work is necessary?

CHRIS DISSPAIN

I'm not saying it is, I'm just asking her to tell us why she thinks it is.

ASHLEY HEINEMAN

Perfect. I appreciate that clarification. Thank you.

ROGER CARNEY

Yeah, and maybe we start with, we appreciate, and it's been good work to get to where we've gotten so far because it is up for public comment and a lot of work has gone into where we're getting now.

But to your point, yes, Becky specifically said, we can tweak a recommendation.

CHRIS DISSPAIN

Exactly.

ROGER CARNEY

And it's like, well, that's called policymaking. So, I think that that's, and to your point Crystal of we don't know, we don't know what this mechanism is even gonna look like. So, how do we know if policy covers it or not?

CHRIS DISSPAIN

Yeah, exactly. And just to sort of sign off on my own personal view, it is very much my own personal view, is my concern along the way has always been this is gonna run away from us because what the Europeans basically said was, make the policy, we'll catch you up. But what they're gonna want is they're gonna want the policy to be implemented before they've caught us up, and we need to be really clear that that is simply not going to work. Okay.

BETH BACON

Thank you, Chris. And just to get in the queue, Sarah was making some good questions and clarifying in the document. So, are you comfortable now? Okay. Yeah. And I think just to be clear, this is meant to be very high level. We are not getting into the discussion of urgent requests, we're not getting into the discussion of law

enforcement authentication or what any of our feelings are because We all know we have feelings.

We've done 40 minutes on our feelings already in a different session. But I think it is really important and I think that if we are able to come in to the Board on this kind of strong and together, then we can hopefully keep them on track and then not have it run away as Chris is noting. We have Reg, Marc, Michele, and 20 minutes left.

REG LEVY

Thank you. Chris, will you be addressing jurisdictional issues or is it expected that if any so-called accredited law enforcement entity, regardless of how the accreditation ends up working and regardless of their jurisdiction, will have to be responded to by every registrar and registry regardless of the jurisdictional issues?

CHRIS DISSPAIN

I think that's too deep in the weeds to be talking about today, but it is possibly a useful example of why actually it is policy because it's all very well just having an authentication mechanism. You could create that tomorrow pretty much to everyone's satisfaction, I imagine, as a tool.

But then the next question is, how is that tool gonna be used and what are the rules around it? So, it's not just simply we can create the tool, it's how we're gonna use it. So, I agree, but I think as Beth

said, getting that deep down into the weeds today is probably not sensible. Thanks.

BETH BACON

Marc.

MARC ANDERSON

Roger and Chris covered much of what I was gonna say. I think everybody's aware, but just a reminder, the urgent request timeline is currently out for public comment and includes the question, do you think additional policy work is needed? I'm paraphrasing, but that's the gist of the question. So, both of us as stakeholder groups, we have that as a public comment period in front of us. And other parts of the community will have their thoughts and feelings as well.

So, we should keep that in mind as we approach this session. And then maybe the other thing I just want to say more for registrars after our joint session registries met and we spoke about this on this topic, we wanted to be sure that ICANN was following proper process and I think that was sort of the point we made in our session.

We don't really know what the Board's thinking. We've heard some things, we haven't seen the paper. So, we don't know what we don't know, so our position is sort of, or at least what we discussed in our session was that we want to hear more, we want to see the

paper, but we want to make sure that ICANN is following proper process.

BETH BACON

Thanks, Marc. Michele, why don't you go ahead and put my hand down.

MICHELE NEYLON

Thank you, Beth. Michele again. Look, I think, we did discuss a lot of this in depth, and I think one of the things we need to be very careful with when talking to the Board is not to get into the weeds. I mean, getting into the weeds is great fun, lots of fun things down there, but what will generally tend to happen is that you will see them like deer in the headlights and then they'll start waving at various staff members and it just isn't helpful.

If it's open for comment, that's probably the place to raise some of these things. And I think it is behove and honest as well to talk to our GAC members about this because the jurisdictional stuff is not something that you can fix through policy. I'm sorry, there is no reality in which I would expect the British police to send something to California or the Irish to do that, that's just not gonna happen. And asking them to do that is just comically naive.

BETH BACON

Sarah.

SARAH WYLD

Hi. This is Sarah. Just a quick note for registrars, this afternoon at one of our membership sessions slots, we will be talking in more detail about the urgent request public comment, and we'll be gathering input that will inform the registrar public comment. So, stay tuned and I look forward to your all participating in that. Thank you.

MARC ANDERSON

Sorry to jump back in the queue. It's Marc Anderson again. On Michele's point on jurisdiction, in the GAC GNSO Council session, Thomas Rickert had an amazing intervention on the jurisdictional challenges. He did an excellent job articulating it. So, that's been raised to the GAC, and if you haven't heard that session, listening to Thomas's intervention is worth the listen. So, just flagging that for everybody.

BETH BACON

Thanks, Marc. Reg.

REG LEVY

Thanks. Thomas has it slightly backwards. He has indicated that it should be fine for us to provide data to extra judicial, extra territorial law enforcement, so long as we are not required not to under our local law, which means that I can decide to provide it to the UK because I'm not demanded by my government that I cannot do that.

But of course, I could not do so to Iran because I cannot have any interactions with Iran. That is not the right way to look at this. The right way to look at this is from the perspective of due process. What are the rights of the data subject and do my customers expect that their data can be shipped off to the [00:43:21 - inaudible] police at a simple request. Sorry, Chris is sighing at me.

CHRIS DISSPAIN

We're down in the weeds again. It's because we're down in the weeds again.

BETH BACON

So friends, I think that it's very apparent that we have feelings and thoughts on this topic and we've had feelings and thoughts on this topic. So, I don't want us to not have these conversations, but maybe it's worth after we teed up and we get a little more information from the context from the Board, what they're thinking, because I think that is a key piece of the puzzle. As Marc points out, we do have public comments open.

There's always the opportunity for us to either violently disagree or violently agree or just like high five in the comments. We have a lot of options above us. So, I think that it might behoove us to schedule some time as a joint CPH and get together and talk about this again, see where we are, see where we land, and we can get as deep into the weeds and just deep under the earth as on this as you want. But I don't think that's for today. Is that fine with everybody?

Feel good? Michele and then Maxim, and then I think that might be it.

MICHELE NEYLON

Yeah, thanks. Beth, look, I agree. I'm sorry, it's Michele for the record. This is not the session with the Board to get into the weeds on anything really because they'll just won't engage, plus it isn't really helpful for anybody. I suppose the question I would have is just on the topic in general, do we have any feeling where are the BC and IPC kind of viewing this as a new gateway for them to get things?

I see Chris nodding. Because that's something I think we need to double down I think on comment that Catherine made the other day, which was that if it's risk of life and limb, blah, blah, blah, blah, that we would look silly saying no to things, but it's narrow and it's specific and it's focused, it's not a way for Gucci handbags to gain their freedom.

BETH BACON

You can do it. Go for it.

CHRIS DISSPAIN

So, I agree with you Michele, and I think just to answer your question straightforwardly, yes, because what they're working on is the principle that once you've acknowledged that it's possible to do an urgent request, then the definition's up for grabs. So, we need to be really, really careful, and that's why the authentication

mechanism for law enforcement is such a integral part of it because that pulls it right out into solely and only law enforcement.

BETH BACON

So, Maxim, do you mind if I budge in front of you for one second just to respond to that? So, I think yes, the authentication mechanism, and I think that's again, let's just dive right back into the weeds. Why don't we do it? Snuggle in, we're comfy there. So, I think that for the authentication mechanisms, there's so much we can do that is going to kind of even fix the concerns around the language.

I think the urgent request language is high level and it allows us to do what we need to do as companies, but the definition is tight. So, I think that's fine, and then we couple it with really good work on authentication mechanism that puts so much in front that the law enforcement has to do to even use the system, that it's just another level of comfort, and that's how in my mind this works. But again, weed, weeds, weeds, weeds, weeds, weeds, weeds, weeds, weeds. Maxim.

MAXIM ALZOBA

Maxim Alzoba for the record. I have a question. Do they really understand that the most used answer to the urgent requests after all those jumps into the hoops is going to be, no, sorry, we cannot give you this information. It's the first thing because I have a feeling that they think that it magically resolves gaining personal data overseas or like by on the same piece of land, but from the foreign

entity. I do not think they realize that the big next thing is going to be how to force all those contracted parties to positively provide us information.

And the second thing, the language of risk of death, et cetera, is a bit wild. We see many military conflicts around the globe in the last year, and each territory will send numerous requests to the registrars and registries on the other side saying that it's urgent. Yes, it's a risk to human life, et cetera, et cetera, and it'll fall in the basket of urgent requests. Who knows? Maybe it should have some safeguards against situation where two jurisdictions are in direct conflict. Thanks.

BETH BACON

Thanks, Maxim. Beth.

BETH MARTY

Hi, Beth Marty with Name.com. I think with some of the urgent request stuff, the concept of one world, one internet is taken a little too literally, but this is an observation. In terms of prioritizations, priorities and presenting them to the Board. On the first list, the number two priority was effectiveness of the multi-stakeholder model.

And if you say that this really, the CPH believes in this and this is important to the CPH and then you say some of these issues go directly to that, it might be a very lovely way for us to say we really are highlighting these things because we see how they're directly

aligned with reinforcing this model that we all believe in. The DNS abuse PDPs is a great example of that, and the attention that's on them, and a lot of different constituencies wanting that to work in a certain way. So, thank you.

BETH BACON

Thanks, Beth. Not only do you have a great name, but that's a great point. Yeah. I think that's delightful and I think all of this goes to let's do better and going back to the DNS abuse theme of let's make PDPs efficient, let's keep it. If we are disciplined, the PDP can be disciplined. And unlike our ability to not get in the weeds on urgent requests, we should be able to narrow this down. Does anybody have any other questions, comments, concerns on our approach, topics, points of view, positions, speakers, hairdos, outfits for the Board? Volker, who's just rolling in, coming in hot.

VOLKER GREIMANN

Yeah, sorry. I'm not sure it was raised before because obviously I was missing for the remainder of the session. But I'm still not very happy with the underserved regions topic simply for the fact that I am not quite sure if those regions are actually underserved.

Even if they don't have registrars, they do have service providers that reach out into those into those regions. Not having a registrar is not indication of those regions not being served correctly. And I think as registrars, that's not the point we should make.

BETH BACON

I think that there have been a couple comments. Maybe it's just like a semantics issue and you can noodle on the name.

OWEN SMIGELSKI

I have a couple minutes, I guess.

BETH BACON

All right. But she has three minutes. Anybody else? I don't see any hands. We have two AOBs, so if everyone is delighted to move along. Okay. One is to say-- where's Guarav? Where is he? Where is he? Everyone say hello to Gaurav Vedi. An old face to some in registries and new face to others.

He'll be seated at the end of the meeting as our NomCom CPH counselor. And so, it's lucky for us because he knows the registries at least. I think pretty familiar with registrars, but has been nothing but delightful and excited to work with all of us. So, thanks and good luck.

And then-- sorry. Yeah. Brian, you had an AOB? No. Okay. Brian has resolved his own issues internally, which as we should all strive to do. Zoe. Hey guys, we're gonna party hard tonight. So, it's CPH and ccNSO. You spelled that wrong. It's Gecky Gurr.

So, we should get that name right before we celebrate her. We're also gonna give Greg a hardy high five for his work on GNSO Council and best of luck to filling Becky shoes. So, if you guys can make it, we're gonna try and say the nice things right around seven o'clock,

and then I know there's a lot going on, but please come. The boat is right there.

CHRIS DISSPAIN

And it does not look like that. So, if you're looking for a large red boat called Bodie McBoatface, that is not there.

BETH BACON

We did just have a two-minute conversation about can we put Bodie McBoatface here because it's such a group of literal humans, but there's always room for whimsy. All right. So, if any you guys have any questions. If you want to come and you haven't filled something out, it's on the boat. We're not gonna bounce you out and toss you in the Liffey, so it'll be fine.

OWEN SMIGELSKI

Oh, we're not?

BETH BACON

Owen might. We have six minutes to spare.

CHRIS DISSPAIN

Let's go back to urgent. No, never mind.

BETH BACON

We're cutting Chris's mic off.

CATHERINE PALETTA Into the Liffey he goes.

BETH BACON Huh?

CATHERINE PALETTA I said into the Liffey.

BETH BACON In the Liffey he goes, yes, for other offenses.

CHRIS DISSPAIN It's the first one.

CATHERINE PALETTA Yeah.

BEHT BACON All right. I feel well prepared, I hope everyone else feels well prepared and well represented. And break. Thanks.

SUE SCHULER We can end the recording.

[END OF TRANSCRIPTION]