
HYDERABAD – RDS/WHOIS and Domain Abuse (via PSWG)

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CHAIR SCHNEIDER: Thank you all for coming back and sorry for being late. I was held up in another meeting. So let's not lose time and immediately start with this next agenda item and let me give the floor to the co-chairs of the PSWG to present the items. Thank you.

ALICE MUNYUA: Thank you very much, Chair. This is the public safety working group. We're going to be presenting on two topics, abuse mitigation and the RDS. And I've got with me the topic leads Robert Flaim, who's leading on the topic of DNS abuse and Greg Mounier, who's leading on RDS. And then I've got Fabien, who's been assigned to the public safety working group, has been doing fabulous work with us for the short term that he's been with us organizing the (indiscernible) sessions that the public safety working group is leading. And if we have time, we might give him the microphone to just briefly tell us what they're about so you're encouraged to attend and to also mention that the public safety working group has been working quite hard on various topics. And because we don't really have that much

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time, we're going to be able to present exactly what we're doing during this session for working groups. I think that's on Saturday or Sunday. So I'll go straight to the slides. And also to mention that because of the work overload the public safety working group agreed to assign a third co-chair and the co-chair is the European Commission, Catherin who has joined us. Very grateful, because the public safety working group has quite a huge workload. So please welcome me in thanking the European Commission for offering to serve as a third co-chair for the public safety working group.

So I'll go right to abuse mitigation and a brief background to recall that the GAC has provided advice before in various communiques. The fact that the first one was Brussels in 2010 and then in Singapore 2011 and again in Dakar 2011.

Now, part of the recommendations pertaining to the registrars were incorporated in the Registration Accreditation Agreement and then part B, as you all recall, was included in the new gTLD Applicant Guidebook. And some of the safeguards made applicable to all gTLDs in 2014 and they are subject to the Registrar Accreditation Agreement oversight and also on what we call spec 11 which is essentially the framework for registry operators to respond to security threats. So spec 11 includes new language that requires operators to periodically conduct security analysis, to assess security risks, identify them, and

notify the relevant registrars and where applicable or appropriate suspend the domain, and also maintain reports of the threats identified as well as the actions taken. And provide these reports to ICANN upon request. Next slide.

So in terms of what follow-up advice I think what we're going to be requesting the GAC here is to request the ICANN board to provide the GAC with a written report on how far those have been implemented as those -- those requirements or the GAC advice requiring registrars to provide security updates have been implemented, to what extent. And on the Registrar Accreditation Agreement, we're looking at issues of WHOIS accuracy, program specification, and cross validation requirement. We're looking at enforcement of WHOIS verification, and also looking at, you know, diligence, from ICANN's perspective, in relation to registrar's duty to investigate reports of abuse as well as to what extent there's a creation of awareness on registrars' obligation and vetting registrar accreditation applications.

On the new gTLD Guidebook we're looking at vetting registry accreditation applications, security checks, again referring to spec 11, specifically section 3b, and then again awareness efforts by ICANN with the registries.

Follow-up advice, looking at enhanced monitoring and reporting measures and once again, to remind you that this is consistent with the terms of reference that you all endorsed for the public safety working group which specifically state that the public safety working group will continually assess whether ICANN has responsive and timely mechanisms to develop and enforce ICANN contractual obligations with gTLD registries and registrars. As well as abuse investigations, research, reports, and multi-jurisdictional abuse reporting.

So what we're requesting of the GAC once again is to consider a proposal for follow-up GAC advice as well as including DNS monitoring and reporting measures. Once again, this is consistent with PSWG terms of reference. We have proposed language for the communique here. I don't know if I have to go through it, Thomas, maybe. Just a little bit? Okay. So we're requesting the GAC to consider providing following advice: "In evaluating the effectiveness of past GAC advice concerning DNS abuse mitigation, in particular the GAC-endorsed law enforcement due diligence recommendations and subsequent advice related to the 2013 RAA and the new gTLD safeguards, the GAC is seeking clarity on the implementation of relevant registries and registrar obligations, as well as related to ICANN duties and initiatives." So the GAC advises the board to provide

written responses to the questions annexed 1 attached to the
communique which we're going to be providing.

So that is on DNS abuse. And perhaps maybe I'll stop here and
see whether there are any questions and the topic leaders --
Bobby is here with me and we can respond to any questions at
this juncture before I go to the Registry Directory Services. Any
questions or comments. Yes, Iran, thank you.

IRAN:

Thank you, Alice. Thank you very much. First of all, just a small
request to you. I know you're in full command of English, but
perhaps a little bit slowly for interpretations. I'm not an
interpreters, but I think it's very difficult interpreting. So quickly
speaking. Thank you very much.

I understood that you want to accept advice, and I see some of
the topics. Requesting for a written report is not advice. It's just
request. So we have to be very careful because of the new bylaw
what we are talking about. Advice should be of status and
(indiscernible) advice. Request for a written report, either
request or something else. So we should be very careful of that.
So I don't get into the substance of the matter but just a
reminder for ourselves. Thank you.

CHAIR SCHNEIDER: Just quickly on this. I mean, if we want an action, then we can say we'd like to have a report or we can advise ICANN to deliver that report to us and then it's a question of form, how we frame it and what the right place is. And, of course, you're right, we should respect the formalities that we have. But I think the first step is to agree on what do we want to do and what do we want to be done by others, and then we find the right form. And then we'll take that into account, of course. Thank you.

ALICE MUNYUA: Thank you, Iran, for that. We'll take that into consideration and reframe the language to suit the current requirements. Any other comments? Bobby, do you have anything to add? Okay.

Then perhaps I'll go to the next presentation on the registration directory services. That is being led by Greg Mounier from Europol. There's only one slide here, and we're looking at again the GAC has -- the GAC through the PSWG has already provided comments during the public comment period. The first was in March, principles regarding -- we developed principles regarding gTLD WHOIS services in 2007 and we also contributed to the public comment period with the -- during the issue report on 10th of September last year. And then the current status at the moment with the PDP is phase 1 of 3 is to determine if and why

the next-generation registration directory services is needed to replace WHOIS.

And they are also looking at definition of a proper statement, as well as the possible requirements being reviewed at the moment.

So that's where we're at with that PDP. And perhaps I can ask EUROPOL to add if there's anything else.

GREGORY MOUNIER:

Thank you very much. Just a quick update on what will come next after -- We just started to deliberate on the requirements of the next possible WHOIS. And at the end of the year, or probably earlier in 2017, there will be a first initial report, and that will be occasion for the GAC to officially make comment. And what we have in mind is for the PSWG to prepare a draft comment that will be provided to you for comment and -- and endorsement.

So that will be at the end of the year.

That's it. Thank you.

ALICE MUNYUA:

Thank you, Greg.

Any comments or questions?

Okay. If there are no comments or questions, I'll quickly perhaps go through what the PSWG is currently working on.

Some of the issues and topics of interest, we're looking specifically at processes, outreach and capacity building. And to this end, there's quite a lot. The PSWG is working with the Underserved Regions Working Group. We've already started doing, you know, outreach during face-to-face GAC meetings and ICANN meetings, and recently in the Africa region with the INTERPOL, Africa working group for heads of cybercrime.

And then on WHOIS issues, like we've reported, and then issues (indiscernible) security and consumer protection, and we have the European Commission and the U.S. representing us on that. And then various item. Policy development processes. We have the next generation registration directory services PDP that we're following. EUROPOL. And then privacy/proxy accreditation policy development, and at the moment we're at the implementation stage, and the IRT already started working on it, and we have three PSWG representatives: The United States, Niue and the United Kingdom.

And then under consideration is participation in new gTLD subsequent procedures, and we're going to be participating in the session on Saturday, organized by Switzerland, to provide an update.

Also looking at some of the ICANN GDD initiatives that the Public Safety Working Group is involved in. Security framework from registry operators to respond to security threats linked to the registry accreditation -- Registry Agreement as well as the accreditation agreement. And then illegal counterfeiting, drug, reporting to ICANN contract compliance.

And then various item reviews. The CCT as I mentioned earlier, as well as the upcoming ones, the security stability and the Registration Directory Services Review as well. WHOIS review, too.

And during this meeting, the PSWG proposed -- on behalf of the GAC proposed two high-interest topic sessions, one of them on DNS abuse and one on -- on WHOIS. And perhaps I can invite Fabien to tell us a little bit about those sessions, the objectives and the timings.

Fabien, please.

FABIEN BETREMIEUX: Thank you, Alice. Hello, everyone. My name is Fabien Betremieux, and I'm with the GAC support team of ICANN.

So just a note on what a high-interest topic session is. The purpose of the session really is to have the entire community available at the time of the sessions to discuss topics that are of

high interest to the community. As you may recall, the PSWG proposed two of those sessions. I think their -- the Underserved Region Working Group proposed a third one. So here I'm going to just talk about the two high-interest topic sessions that were proposed by the Public Safety Working Group.

So those two sessions will happen on Saturday, Saturday afternoon. The first one is on the mitigation of abuse in gTLDs and the second one is going to be an update on WHOIS related initiatives.

Regarding the mitigation of abuse session, the objective there for the PSWG, in addition to providing an update on practices in the area, is to really focus the discussion on best practices, current practices of the industry in the area.

So as you will see in the agenda that was circulated a moment ago to the GAC mailing list, there will be a number of speakers from the industry to share their practices. So we will get the perspective from ICANN, the compliance and the SSR team, we'll get the perspective from gTLD registries, from ccTLD registries, from registrars, as well as from business stakeholders.

So I believe I've covered the mitigation of abuse high-interest topic session. And so that session will happen on Saturday at 1:45 in Hall 3, which is the main room.

Regarding the second high-interest topic session which was proposed by the PSWG, the update on WHOIS-related initiatives, the purpose of this session will be to focus a -- the discussion on the issue of accountability in WHOIS, and that is the combination of the necessity to -- for law enforcement to access to WHOIS data as well as the necessity or the need for accurate WHOIS data.

And the structure of the session will really be split in two parts. There will be a -- Three parts, actually. There will be an introduction by the PSWG which will include a sort of illustration of public safety views of WHOIS, and this will be provided by Gregory Mounier from EUROPOL. And then the session will move on to discussing current WHOIS-related initiatives at ICANN in two blocks. One block will be WHOIS today, and we'll be talking about WHOIS accuracy reporting system, contractual compliance about thick WHOIS and RDAP as you may have heard. And then we'll move on to another block of presentation which will be around the future of WHOIS. And so this will speak to the Registration Directory Services review team that is due to be organized, the Registration Directory Services PDP, the RDS PDP, and the privacy and proxy services accreditation.

And so on all those issues, it's been requested from the speakers, which will be from ICANN or from the community, to focus on the issue of accountability, and to speak to how these

issues contribute to making WHOIS data more accurate and as well as more accessible.

And so this session will be held on Saturday as well, Hall 3 again, at 3:15.

And this completes my update on that topic.

ALICE MUNYUA:

Thank you very much, Fabien.

Any questions or comments?

Spain.

SPAIN:

Thank you.

You have mentioned in your brief about the high-interest topics. The IS -- the IS -- triple S R programs in ICANN. And it is also mentioned in the draft advice that the working group have distributed to the GAC mailing list. I've never heard about those programs. Could you be so kind to brief us about those -- those programs and how they could be used in mitigating abuse in the DNS?

And I have another separate question for later, maybe, if you cannot raise it. I would like to have an update on the state of the

review team that is working on the implementation of the proxy and privacy accreditation program.

Thank you.

ALICE MUNYUA:

Thank you, Spain.

Fabien, do you want to respond? Or Bobby?

FABIAN BETREMIEUX:

I can. Fabien Fabien Betremieux speaking, for the record. With respect to the first question on what was written as IS-SSR programs in the documentation, I think the reference here was, indeed, to what the SSR team at ICANN. So SSR stands for security, stability, and resiliency. There is an SSR team within ICANN in the office of the CTO. And so the reference to the programs -- and, Bobby, please correct me if I'm wrong -- is meant to refer to what that team does and initiates, and then the types of projects that they conduct.

I'm -- I would not be able to specifically speak to those programs. And, actually, in the high-interest topic session on mitigation of abuse tomorrow, we will get an update from the SSR team on this topic. So I would like to invite you to attend

that session, and this is where you may get the content you're seeking firsthand from the team.

Bobby, do you want to say a word?

BOBBY FLAIM:

Yeah. One of the reasons that we wanted to highlight the SSR or the security team for ICANN is that they are doing a lot of work to try to mitigate abuse. But we don't hear about it.

And one of the reasons that we are asking these questions is that we actually want for them to come forward and tell us some of the good work they're doing, because I think a lot of it gets lost or it's not publicized, and we're trying to encourage what they are doing insofar as the mitigation of abuse.

I think a lot gets lost within ICANN because you have contractual compliance, and people focus on what they're doing, but we have the security team which is very separate that does a lot of things. And it would be good to hear about what they're doing and how they interact with contractual compliance to see how effective they are in dealing with registrars, registries, who have a preponderance of abuse, bad policies, or other criminal behavior that is occurring.

So I hope that answers your question.

ALICE MUNYUA:

Thank you. And just to mention that these high-interest topic sessions are -- you know, while proposed by the Public Safety Working Group and another by the Underserved Regions Working Group, are meant to actually involve the ICANN community, the broader ICANN community, so we can discuss a topic that was presented by the GAC.

And so, you know, to that end, what we've done is invited members of the community to contribute to particular topics relevant to the issue that we're going to be discussing. And that's the reason why we have the SSR team and now there's registrars, registries, and for the underserved we have the community, ALAC and others. So it's an interactive -- interactive discussion, and we see whether -- you know, what we come up with in terms of recommendations. So it's very important, yeah, that you attend and perhaps ask those questions during that session.

I have Palestine.

BOBBY FLAIM:

The other thing I just wanted to add is we're entering a new phase in ICANN which is the IANA transition, and I think it's going to be more important that we see what self-policing, self-

regulating mechanisms are in place to ensure that the stability and resiliency of the DNS is in place. So I think that's another important and key component to why these questions are being asked insofar as greater transparency and to see what the abilities of ICANN are to actually self-police or self-regulate.

ALICE MUNYUA: Thank you, Bobby.

Palestine, please.

PALESTINE: About the registration stakeholders, you mentioned that there are registration stakeholder, and I would appreciate if you can give me a hint about this kind of registration. Have you kept in consideration that it might be a crime in one country but in another country it might not be considered as a crime?

Another question also, why do I have to oblige or obey to a law that basically implementation the IIR geographical? And even though I can be with RIPE, and RIPE, for example, can be a part of like a country like The Netherlands, so I implement a law that is basically like with IIR.

And the last question is about the abuse of the GLD. Everybody knows that the registration is very much familiar what is happening in the GLD, and that's pretty much what I have to ask.

Thank you.

ALICE MUNYUA: Greg or Bobby?

BOBBY FLAIM: I'm just a little -- if we can have a rephrasing of the question. I'm not sure what the specific ask is insofar as the DNS abuse mitigation document. So can I impose upon you to maybe rephrase?

PALESTINE: I didn't mean mitigating the issues or the penalties, but something that somebody have committed something via the Internet and would be considered as a crime, but in a different country it is not considered as a crime. Have you kept that in consideration?

And also, in addition to that latter question, that a country, for example, follows the RIPE law. And I would be basically being implemented -- The Netherlands' law would be implemented upon me?

BOBBY FLAIM:

Interesting challenge that I think the multistakeholder model has insofar as there's different laws and different crimes and how do you respond to them if a registry or registrar is in a particular jurisdiction. You know, are they under the obligation of the law of the country where they're at or the nation where the alleged crime occurred?

So that is always a difficult question. It's a question of laws and treaties. And how that's resolved, is -- it is a challenge because if you're dealing with an American registry and there may be another country that is alleging a violation, how would that American registry or registrar or company deal with that issue if it's not a crime within the United States?

So that is a challenge and is something that would have to be worked on at a government level, and also meaning that it's going to be worked on with the prosecution in compliance with the laws of those countries.

So unfortunately, there are going to be circumstances where there won't be a happy result insofar as one country may or may not be able to effect or prosecute what is perceived or what is a criminal act in another country.

ALICE MUNYUA:

Thank you.

Thank you, Bobby.

Spain, you had another question on PPASI?

Okay. Then I have Thailand and then United States.

THAILAND:

Okay. I think thanks for the works of the PSWG. And lately I have been missed a lot of work. But the initial point I'd like to raise about why it's important for Thailand to participate in Public Safety Working Group is that we found that a lot of problem on abuse is also happen under the ccTLD, especially in Thailand. It (indiscernible) that there is a lot of threats that happen through the ccTLD, especially the .TL, .TH have been account 95% of the monitorings. And that's why we step in to see. So like New Zealand used to share to us about the Memorandum of Understanding on how the agreement should be between the country and the ccTLD.

So what we try to looking at is what we want to enforce to the gTLD communities and what mechanism that we should, having a measures also to work around together with the ccTLD to improve. And that is the first intention we have to step into work, and I still do see that.

It's also important for the GAC to understand as well, because you work very close with the ccTLD. They operate under our sovereignties. But we want to be sure that they are also not abused, our sovereignties, of not having a contract and start to create the problems that are the first intention when we step into public safety working groups.

Secondly, we have been working on the translation, transliterations for the country that are the contract information as they're in your local language from the PDP Working Group on translation of the contract information. That need to feed into these areas. There's still no consensus, especially the country that not using English. They will stand that they will not translate the contracts.

So that again is also related to the public-policy standpoint for the country, that how could we encourage? Because if every country still stand that we have our own language, we don't want to translate it, that also create a difficulty for the law enforcement on how could we working on the WHOIS information accuracy, like validation, verification, where we limit it to your own territory only.

So those are two aspect. I would like to add that above the scope that we working on TLD, the communicate. We try to follow up there that two more aspect more that we still need to

work on on this issue to achieve the (indiscernible) on the stability of the DNS. And that require public-policy from the GAC. Really working on that.

Thank you.

ALICE MUNYUA: Thank you, Thailand.

United States.

UNITED STATES: Thank you, Alice. I just wanted to respond to Spain's question about the status of the privacy/proxy service accreditation issues Implementation Review Team.

I've been participating in that group largely to observe how things are going, and the Implementation Review Team has been formed. They actually had a public session this morning on the status of their efforts.

There is an ICANN staff-developed program for how they would like to proceed with this issue. It's going to be a long process. It will be aggressive in the sense that there will be lots of timelines that need to be met in the very near future. But the intended effective date for implementation is in January 2019.

So my understanding is that they are seeking input, one, this program for implementation as proposed by ICANN staff, and I'm not sure where the PSWG stands in terms of appointing someone to participate in this group. But in terms of wanting to make sure that some of the outstanding issues that we ask to be addressed through implementation, that it's probably a good idea to make sure there's PSWG representation on that group.

ALICE MUNYUA:

Thank you, United States, and I think we have Nick Shorey and -- from the United -- U.K. and Niue, Par from Niue, who are members. Nick, do you want to say something?

UNITED KINGDOM:

Yeah. So Nick Shorey here from the U.K. So we have got three members on the IRC, I believe. Myself, Par who's somewhere around in the room, and Lauren Kapin as well I believe is on the group too. So we're well-represented and we'll sort of be feeding issues back and forth throughout on that one. They had their meeting this morning. It sounds like it's going to take quite a while, that process.

ALICE MUNYUA:

Thank you, U.K. Indonesia.

INDONESIA:

Thank you. Just want to come back a bit to Bobby Flaim's information about you mentioned about in one country something might be illegal, in another country something might be legal, but I just want to draw your attention about three years ago, ITU make something like a moot court simulation whereby a particular country, a person from a particular country make a penetration test to another -- to another website in another country and it is legal in that country while in the other country it is illegal. And in the simulation court, the ITU make something like that guy visited the country on the personal business, for holiday, and then he was -- he or she was caught, sent to jail, sent to the court, and get a few years of jail. And the simulation then, the -- the ambassador of the country came to the minister of foreign affairs, sign a file and so on with some contents. No. The simulation stop there. It didn't escalate into a small war, you know, but it give high tension.

Somehow because of the -- what call it of the high possibility of making a tension between countries somehow I do not know why ITU didn't stop the, you know, simulation like that. I just want to know whether you or perhaps other law enforcement in other countries that you know have already entered into a real solution like that and not only a simulation. Thank you.

BOBBY FLAIM:

We have entered into situations where we have had legal issues or challenges where it's -- there is a law or there is a crime being committed in one country and not in another, you know, for the United States. And we have just tried to work with the other government insofar as how it can be resolved in other ways and what other steps can be used. Sometimes we can use terms of service. Sometimes there's voluntary methods. There's other ways that -- to approach the problem, and that's what we have tried to -- tried to do in the United States. Some -- like I said, sometimes that comes to a successful conclusion and other times there's other things that we have to do.

ALICE MUNYUA:

Thank you. Sorry, I can't see. There's a hand raised somewhere, but I can't see. Tracey's trying to -- okay. Yeah, Fabien is reminding me that the PPSI requests -- PPSAI issue is going to be discussed tomorrow during the high interest topic in the -- in the afternoon, so that would be a good session to ask questions and also to understand the next steps. So if there are no other questions or comments, I think we can break. But then again, what I'd like -- oh, yes, U.K.

UNITED KINGDOM: Thank you, Alice. I'm just wondering what the thoughts are of others in the room regarding the quantity of WHOIS-related activities that are sort of ongoing within ICANN at the moment. We've got, you know, sort of reviews, WHOIS reviews or IDS reviews at the same time that we've got a PDP kicking off looking into a replacement WHOIS service. And it just seems to me that we've got a lot of, you know, WHOIS-related activity going on at the moment at the same time that's maybe overlapping. And I wonder if that's the best use of everyone's time and the best use of -- or the best approach to this issue. So I'd just wonder what the thoughts of the other people are in the room on this, if anyone has any.

I take that as a no.

ALICE MUNYUA: And we'll probably perhaps discuss that during the WHOIS high interest session, perhaps as a challenge, and see how we can approach it as the ICANN community and again ask that question, whether it's the best use of people's time. If there are no other questions -- yes. New Zealand. Thank you.

NEW ZEALAND: Thank you, Chair. I just wanted to comment on what the U.K. raised. Not so much a problem but just recognizing that we

have raised this before, and last time we mentioned the number in a high interest session we got a lukewarm response and which was just asking to see more GAC resources. So we would support raising this again, and we do want to participate but it is challenging when so many things run consecutively. Thanks.

ALICE MUNYUA:

Thank you. Yeah. And talking about participating in the public safety working group and sharing of the workload, you will notice that there are very few of -- very few of us -- very few people who participate in the PDP. Some of -- some of the public safety working group members actually end up participating in more than one. And so I would really kindly like to request many government representatives to endeavor to second your law enforcement agents into the public safety working group so that we could ensure that we have more of us participating in the PDPs that require the GAC to provide public policy advice and input regarding security aspects. So as a way, this is my appeal to you as outreach to really encourage your law enforcement agencies to be part of and be members of the public safety working group, and to that end we are going to be conducting capacity building -- those of us who have been on the public safety working group long enough can assist holding hands and providing support because some of the ICANN process is actually quite complicated. So I will keep making this

appeal. Thank you very much. Thank you, Thomas. I'll hand over the floor back to you. Thank you.

CHAIR SCHNEIDER: Thank you, Alice and colleagues. We are slightly for once slightly ahead of schedule, so that means we can give us a 10-minutes break to let -- wait for the colleagues from the GNSO which will meet in 11 minutes' time. So that's it. Thank you all. And -- but those who leave, don't come in later than 2:30 sharp because we'll start at 2:30 sharp. Thank you.

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