
HYDERABAD – GAC Public Safety Working Group
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ALICE MUNYUA: Hello, everyone. Good evening. This is the GAC Public Safety Working Group. My name is Alice Munyua, co-chair, and I would like us to do a quick round of introductions because I know some of us are new and we have new GAC members as well. So perhaps with my co-chair?

CATHRIN BAUER-BULST: Hi, my name is Cathrin Bauer-Bulst. I am from the European Commission, and I'm, as of today's, Alice's co-chair. Very pleased to be here.

BOBBY FLAIM: Oh, hi. Bobby Flaim, FBI.

LAUREEN KAPIN: Laureen Kapin, U.S. Federal Trade Commission.

FABIAN BETREMIEUX: Hello. I'm Fabien Betremieux from the GAC support team.

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JOHN CARR: John Carr from the European NGO Alliance for Child Safety Online, which is administered by Save the Children Italy.

ALICE MUNYUA: Thank you very much. The people sitting with us, with the co-chair, are the topic leads for various topics, so we'll have -- quickly, because we are running out of time and I was told we have to finish at 8:00.

I'll just run through the agenda. We have a debrief from today's GAC plenary session where we spoke about the Registration Directory Services and the follow-up advice on DNS abuse mitigation. And then high-interest topic session that is scheduled for the day after tomorrow, and then sensitive strings and child protection, John Carr is going to lead on that. We're going to have a very brief discussion around operating principles and working nodes and the issue here is to work on next steps not re-open discussions on the document itself. And then a follow-up on capacity building activities and outreach and then we have the ICANN ombudsperson who is going to introduce himself to us. And then various updates from our various PDP working groups where we are engaged. The new gTLD subsequent procedures. The PPSAI, Lauren Kapin. And Consumer Trust and Consumer Choice review, European Commission and the U.S. And Spec 11, that's the U.S.

A bit of housekeeping. (Indiscernible) and I and Cathrin are going to speak to that, and any other business.

So perhaps if we can adopt this agenda. And any questions or comments or suggestions on the agenda?

Okay. If not, we can go straight to the first agenda item.

Debriefing on -- from the GAC plenary discussion.

We presented an update on both WHOIS next generation directory services and abuse mitigation. And there's only one area where we are going to be providing text for GAC advice on the communique.

There was suggestion that we need to rephrase the communique language that it reflects the current requirements under the new bylaw requirements and we will do that and share that with you with you for your approval before we send it to the GAC. Do you want to say anything in addition to that regarding that session, or Greg? Bobby?

BOBBY FLAIM:

No. I think we had a good briefing to the GAC, so hopefully that that will make its way into the communique and we can go forward with that annex. So we're looking forward to that.

ALICE MUNYUA: Greg? Okay; great.

So we are going to propose draft language for the communique and send it to the mailing list for your approval before we share it with the GAC.

So the high-interest topic session. Great work from Cathrin here who has led it with Fabien. Really, really great work, and a lot of work, and it's been quite difficult to organize it, so we're looking forward to it. So I'll give the microphone to co-chair Cathrin to give us an update and brief on it.

Cathrin.

CATHRIN BAUER-BULST: Thank you, Alice.

Yeah, so these high-interest topics, it's a new format that ICANN has been exploring, and this will be the first meeting where we have it. So in a sense, we're really setting the scene for how these high-interest topics might function. And in agreement with the GAC, the Public Safety Working Group applied for two high-interest topics in August with the help of Fabien who has been -- who has been particularly spectacular in providing support to this group. Let me just say that. And actually both were accepted, which is -- which was a big success, because there were a large number of proposals for these high-interest

topic sessions. And to my understanding only six have been retained. So it's quite a significant message that the two topics that were proposed by the PSWG on behalf of the GAC were retained. So that's by way of background.

The two topics that we proposed have high-interest topics sessions on are, first of all, the mitigation of DNS abuse, and, secondly, an update on the different WHOIS work strands that are currently ongoing.

And I want to speak to both very quickly.

So on the DNS abuse high-interest topic, we will have an hour and 15 minutes, which is quite short. And so in considering how best to approach this topic, we thought of the objectives of the GAC in general and the PSWG in particular in the advice that the GAC has proposed in the past on how to better deal with DNS abuse.

So we want to use this session to basically flag possibilities for what can be done to mitigate DNS abuse. And so we chose to focus on best practice in all the different communities that have their individual roles to play on DNS abuse and on mitigating it. So the registries, registrars, and the other actors, including ICANN itself on contractual compliance, for example.

So we want all of them to basically present what -- what can be done to best mitigate DNS abuse. Also as a way of serving as examples for other parts of the community. And then on that basis, to have a discussion on possible ways forward in mitigating DNS abuse.

Now, secondly, on the WHOIS update, we also thought long and hard about how best to approach this. Again, we just have an hour and a half for this session, and it's supposed to respond to the needs of the whole community. And I think we have seen also in multiple instances today during the GAC discussions how many work streams are ongoing, what sort of a workload it is. And at the same time, how crucial of a policy part of the whole ICANN environment this is in particular for the GAC and for the Public Safety Working Group.

So instead of just having a sequential update of all the different initiatives that are ongoing, of which there are eight, we decided to focus the discussion by using if I wish a lens to look at the different ongoing policy practices and we also narrowed the scope to five of them.

So we're going to be looking at them through the lens of accountability, which is basically what the GAC and the Public Safety Working Group have been working on for a long time, improving the accuracy of the WHOIS, improving the reliability,

so as to be able to hold someone accountable for his or her actions online when those actions are, for example, criminal or terrorist in nature.

And this will serve as a lens through which to view the different processes, so we've asked the different persons in charge of running the initiatives to basically provide a brief general update on what is going on in their respective WHOIS initiative, including notably and most importantly perhaps to the GAC. The RDS PDP. So the discussions around setting a new framework for the WHOIS in general, and the -- and now I'm blanking on the name.

The implementation of the PPSAI where we are still trying to basically include GAC advice that has been provided where we have not yet received the response of the Board.

And for those two processes and a number of others, we basically want to have a quick update through this lens, also with a view, then, to having a discussion. And the hopes are having the five in sequential order and through this lens will enable us to basically identify a few commonalities across the different processes, and also to provide an opportunity for, in particular, the GAC but also other parts of the community to reflect on the significant aspects across these policy processes where we might even wish to consider providing some sort of

horizontal input in the form of general principles at some point in the future.

And we're hoping that those two HIT sessions, to come back to the format in general, we're testing, out in a sense, two different concepts. So one will focus on co-showcasing best practice. The other will focus on providing a more factual update that's clustered around a certain topic, that that might help us also reflect on the usefulness of the HIT session in general to, A, make GAC positions heard and, B, provide useful opportunities both for updates and discussion to the community as a whole across all the different stakeholders that are represented here.

So we are very much looking forward to them. They will take place on Saturday, just after lunchtime, and in the early afternoon.

I believe the first one starts at 1:15 and the second at 3:15 in Hall 3. And we would very much welcome both your presence and your active participation in the sessions.

Are there any questions on this update? If not, I turn it back over to Alice. Thank you very much.

ALICE MUNYUA:

Thank you, Cathrin. We move on to the next agenda item. Sensitive strings and child protection, and the lead is John Carr

from the Alliance for Child Safety Online. John Carr, you have the mic.

JOHN CARR:

Thank you very much. Yeah, so the European NGO Alliance for Child Safety Online consists of children's organizations from 23 different European countries within the European Union. I mean including my own, Britain, at least for now. But we also have members from Turkey and Armenia and so on. So it's not just EU, although that is its principle focus.

Last year the Global Commission on Internet Governance in Chatham House published a research paper of which I was a co-author. The other two authors were Professor Sonia Livingstone of the London School of Economics and Political Science and Jasmina Byrne of UNICEF. It was called one in three. It was called "One In Three" because in that document what we showed, what we assembled the evidence to demonstrate, that one in three of every Internet user in the world is under the age of 18. That's to say legally a child. So on top of all of the human rights that they enjoy in common with every human being, this is -- one in three have additional rights as children which are not enjoyed by adults. So I think that puts them in a fairly unique position in terms of the different constituencies of interest that the Internet addresses or is engaged with. And incidentally, a

point I should have made what that as our report showed, in parts of the developing world, the proportion of Internet users who are under the age of 18 rises from one in three to over one in two. So again, this underlines the hugely significant part that the children play, legal minors play, in the context of Internet usage. And yet, as a children's organization or as a network of children organization I have to say that we struggle to find this fact reflected in any meaningful way in the processes of ICANN or in different things that it's been doing over the -- over the past several years.

And so I've written a paper, as Alice suggested, which I don't know if it has been circulated or if it will be circulated. And in a way it's a sort of (indiscernible) from children's organizations saying to ICANN that there are specific items that we think you ought to embrace much more vigorously and energetically.

I'll give one example. Domain names. The Internet Watch Foundation which is the British hotline, second largest hotline in the world, did an analysis of where child abuse images were being found on the Internet, child pornography, where was it being found on the Internet. In 2009 the IWF found that 41% of all child pornography being reported on the Internet was coming from one TLD. And by the way, when it looked again last year, in 2015, the proportion coming from that one single TLD had risen to 42%. And also last year, by the way, five top-level domains

alone accounted for 91% of all child pornography that was being found by the police being reported to hotlines around the world. So we think that there is a huge job of work that needs to be done which ICANN ought to be leading in addressing this question of the misuse of the Domain Name System to distribute child pornography, which is illegal in every jurisdiction of the world.

And before I go any further with this particular point on web addresses and domain names, I want to pay tribute above all to the excellent work that the Council of Europe has been doing here. The -- I don't know how many of you heard the speech of Thorbjorn Jagland, the secretary general of the Council of Europe earlier this year, where he specifically called upon all of the parties with an interest in managing or regulating the Domain Name System to take measures to remove any addresses that specifically refer to or advertise the availability of child abuse images or child pornography as it's called in many jurisdictions and also to set up systems which ensure that no new domain names can be registered which advertise the availability of child pornography.

Under article 8.2 of the Lanzarote Convention it's explicitly stated that it is -- it's contrary to the convention to offer for -- in any way whatsoever, offer or advertise child pornography and yet we still find domain names which are unambiguously

advertising the availability of child pornography. And in the United Kingdom we took this up with our own ccTLD Nominet, and they not only went through all of their existing database of already registered domain names, they set up a new system so that every day they check for new registrations to ensure that no new child pornographic names are creeping into the system. And by the way, Nominet dot U.K. domain handles over 10,000 new registrations every day. So I think it's -- they have shown that this isn't -- this is technically a -- not a -- I wouldn't say trivial but it's certainly very doable. But what you need to have is the will to do it, and we think in particular that ICANN should be giving a lead and should be more stringently enforcing its rules in respect to domain names.

I know we're very short of time, so I won't -- I won't dwell any further on the domain names point other than to commend you to read the -- look at the work the Council of Europe is doing amongst others in this space.

Some of the other -- other things that we would like to see renewed interest in is the creation of new top-level domains that are focusing on or are likely to attract children. The .KIDS domain name process which came up under the new round of gTLDs in our view didn't work at all well. The provisions or the statement made in the Beijing communique about what new gTLDs ought to be doing in respect of child protection issues

were very, very welcome, if a little bit late. But they need to be much more detailed. In every country that I'm aware of, if any organization puts itself in a position where it's going to be in close contact with children or children's data, a whole range of child protection and safeguarding issues arise about who can own, who can work in that space, who can collect data, how that data can be managed, and so on and so forth. None of those sorts of issues were alluded to or referred to in the handbook nor indeed in any detail were they referred to in the Beijing communique.

We have drafted a paper which I think could form the basis of a more detailed specification should there be any new gTLDs registered which are focusing on children or are likely to attract children or young people in very large numbers in the future.

I won't -- again, I won't speak about it in any detail right now. The paper is there, and it's available.

We have other points to make about how we might improve the participation of children's organizations in ICANN's processes. I guess that's partly a question of money. But bear this in mind, many of the organizations that I work with and for right now are working around the Mediterranean and are working in the Middle East. They're doing some really tough work for children in desperate need. In Europe many of the organizations I work

with are working with children who have been sexually abused and need therapy to help in their recovery. It's very, very hard to try to get those organizations to divert money or funds from that type of activity to come to places like Hyderabad and take place in discussions like this. But if those organizations are not there, if that voice is not heard, the issues very often go by default. Because however well intentioned people are and however well disposed they are towards child protection issues, most people come to ICANN or go to the IGF or these other institutions because they have their own specific agenda to attend to and to speak for.

I'm here because we managed to get money out of the European Union to fund my hotel and the airplanes and so on and so forth. That is not going to continue for very much longer, I regret. By the way, it's got nothing to do with the fact that I'm British. I don't think. But it is a real question. If you want the voice of children to be heard through their representative organizations, it's very, very hard for them to participate in PDPs and fly around the world when they've got so little money. I know they're not unique in that respect, but the interests of children are uniquely represented by the children's organization. So I think that, too, needs attention.

My last word, of course, is that we've been shouting about WHOIS for donkey's years. I know that's not something that's

unique to us by any means, so I won't dwell on that point either. And I hope that the paper will be of interest to you, and perhaps, Alice, you can let me know what -- I'm very new to all of this. Perhaps you've gathered that by my clumsy language at points. If you'd let me know what needs to be done next to develop this paper and make it fit to be passed on higher up the hierarchy of ICANN.

Happy to take any questions, if there are any.

ALICE MUNYUA: Thank you very much, John. So are there any questions?

JOHN CARR: So there is an appendix to the paper, but it deals specifically with the detailed conditions which I think ought to be in any Registry Agreement that a new -- any TLD -- that any registrant would need to comply with. It's -- but it is very detailed. It deals with things like criminal records, checks of people who work for the companies who can own the domain, and that kind of thing.

ALICE MUNYUA: Greg, please.

GREG MOUNIER: Greg Mounier, Europol, for the record. I just wanted to thank John for the great paper and also for the great presentation. I really enjoyed reading it. And on behalf of my colleagues that are working on this type of issues pretty much on a daily basis just want to say that what you have said makes a lot of sense for the investigators and the work you're doing is very important. I really like the objective number 5 which is important for us as well. We want to improve the accuracy of WHOIS. This is very, very important. Tomorrow we will be giving a very short example of a case where on the clear web you have websites that are offering child abuse material and we can't get rid of them. So it's very important that ICANN tackle these issues. So thank you very much, John, for your attention.

ALICE MUNYUA: Australia.

AUSTRALIA: Thank you. And thank you, John, for your work on this important issue. As you've already noted, the GAC has issued advice in this area before. I think it would be really helpful for us to understand the extent to which this is a problem in the current round of gTLDs. You talked about .COM. I'd be interested to know what are the shortfalls of the requirements that are currently in Specification 11 of the Registry Agreement

and there is a review underway. Do we have that information from that review? And the competition and consumer choice review, or whatever it's called. Thanks.

JOHN CARR: I can't answer that, I'm afraid. But I'll certainly check it out, and if you give me your card, I'll -- I'll get back to you as best as I can, as soon as I can.

UNKNOWN SPEAKER: So to speak more directly to your question about the competition and consumer choice, consumer trust review, child protection is not a specific issue that's being focused on for that. It's really a more general review that deals with consumer trust and also the general issue -- and that's just the consumer trust side. There's also a whole competition and consumer choice side, of course.

The more general issue of domain name abuse is being considered, and we're actually going to be embarking on a study for that, which I'll talk more about a little later on in this presentation. But to be specific, child protection is not a specific issue that the CCT review team is focusing on.

JOHN CARR:

Sorry, I should have -- perhaps I will just comment in one respect. If .KIDS is created, okay? And it hasn't yet been resolved, it would be terrible if ICANN had set in train a process which ultimately led to a group of pedophiles coming together and creating a new domain that ended .KIDS, marketed itself entirely to kids, was collecting kids data, managing kids data, and doing things of that kind. But there is nothing in any of the documents that I've seen up to now, that would necessarily prevent that from happening. There is a clause in the handbook that was issued at the time the new TLDs, gTLD process began, which said you mustn't have a criminal record. That's it. There is nothing in the handbook which specifically addresses or encompasses or anticipates the broader -- a much broader range of issues which can arise where you are creating specific spaces -- and that's the point about things like .KIDS -- specific spaces that you know or ought to know that are very likely to attract children in large numbers. A nursery would never be able -- would never be able to establish itself as a business in any of our countries without very stringent checks being made in relation to the people, not only who owned it but who also worked in it. None of that had been anticipated in relation to the .KIDS domain. It still hasn't been resolved. And even if we set aside .KIDS, there could be more gTLDs in the future that are similar in nature. I don't know, maybe .CHILDREN or .BABYTOYS. I mean, there's any number of possibilities. It's not just about

what happened with .KIDS. It's about what could happen in the future.

CATHRIN BAUER-BULST: Just very briefly. I also cannot fully respond to your question, but just to say that tomorrow during the DNS abuse session one of the registries will be showcasing some best practice on how to basically analyze new domain names that are being registered for possible abuse-related content, and that would, of course, also be applicable to preventing the types of sites that John was talking about from registering.

ALICE MUNYUA: I have CTU and then U.K.

CTU: Thank you very much. I'm a regular participant in this particular working group. Where might that paper be available?

ALICE MUNYUA: Oh, it's on the public safety working group mailing list, but we can share it. And we welcome you to join the mailing list on the working space, as well. Thank you. U.K., Nick.

UNITED KINGDOM:

Nick Shorey, U.K. John, thanks very much for coming and thanks for the presentation. I have a couple of questions. First of all, the work that the IWF does with Nominet on this issue already, I don't suppose you have any figures on the cost of that -- implementing that service? I'm just thinking as we go down this process cost of doing such a thing inevitably becomes a factor, as we know. So yeah, interested in knowing if you've got any ideas on the cost.

Also, so Cathrin said there might be something tomorrow about the actual analysis of a string to determine sort of whether it might be sort of permitting child pornography or whatever.

Now in the EuroDIG earlier this year, I kind of floated this idea, you know, about sort of a, you know, string analysis prior to delegation. And I was met very much with a oh, no, it's too difficult kind of response. I just wondered whether you've had sort of much interest from registries in sort of bilateral discussions on this.

And the last question was: How far do you see these provisions extending across TLDs? I know in the 2013 communique, we mentioned sort of .KID, .KIDS, kinder, game, games, (indiscernible). But, I mean, I can't see that sort of .COM doesn't promote to children. I can't see that .COCACOLA doesn't

promote to children. So I'm just wondering your thoughts on that. Thank you.

JOHN CARR:

Of course, there are lots and lots of websites which appeal very directly to children. My point is that where you as an institution, for example, as ICANN deliberately initiate a course of action, which is going to create specific domains or specific territories which are wholly and exclusively going to be focusing or likely to be focusing or oriented towards children. You have or ought to accept that you have a responsibility to take all reasonable steps to meet any potentially -- any foreseeable problems that might arise.

I mean, you know, Disney is a very famous site that appeals massively to children. But we know Disney, and we know the processes that it has in place to guard against abuse.

Where ICANN creates a whole new set of parameters in the same space, we don't. So that's -- but I think -- I'm only saying this in relation to new domains which have a very definite and obvious on the face of the record orientation towards children. I'm not making a wider claim than that.

In relation to costs, Nominet bear all the cost. And, in fact, Nominet do it all themselves. In the beginning, they worked

with the IWF. IWF provide them with the keyword thing -- the keyword list.

I want to make it clear, no domain, no newly registered domain, is struck down or deleted without human eyes looking at it first. Because a purely automated system could make mistakes, and we don't -- it's in nobody's interest for mistakes of that kind to be made. So human eyes are used. I don't know. I'll try and find out about the cost. I'm sure Nominet will give you some -- would be willing to give us ballpark figures.

To answer your point about bilaterals, my understanding is that, in fact, one or two registries have done something similar but I don't want to name them in case I've got it wrong. I haven't spoken to them directly. I have had that secondhand.

So, again, this is not something that only the crazy child protection people have been thinking about and doing. Some other good guys have already worked it out for themselves as well. But we think ICANN as an institution should more vigorously engage with these, bearing in mind how many children are Internet users. As far as I'm aware, ICANN has no staffing capability or staffing resource or input in relation to anything to do with children. And I think that's just wrong and bad for an institution where one in three of everybody using the Internet is a child.

BOBBY FLAIM: John, with respect to Objective 1, I see you say, "Ensure appropriate and detailed provisions are written." Is that something that you're going to, like, propose insofar as writing and getting that all detailed or --

JOHN CARR: Yeah. Just tell me what I need to do and I'll do it. I'm the newbie here.

BOBBY FLAIM: I mean, I don't know. I think to go forward it would be good to have that all written. Even if you want to use the .UK, Nominet, what they're doing, I think that would be a good classic example. That would be able to write half of the provision for you.

ALICE MUNYUA: United States and then I have to close because we are running out of time.

UNITED STATES: Thank you. Sorry, I will try to be brief. So I haven't had a chance to read the document in complete detail. And where I have, there's not always a lot of detail there. So please take my comments with a grain of salt.

I just wanted to raise an overarching concern that we just be careful not to go too far down a path of wanting to get ICANN engaged in content regulation. And I'm sure that's not the intention here. And looking at some of the recommendations with respect to accurate WHOIS, it seems perfectly reasonable; but I did just want to flag that as something to be conscious of. And also whether or not there has been any dialogue with respect for working with registries and seeing if there's a willingness and desire to perhaps do voluntary efforts prior to going straight to having contract obligations.

And, lastly, kind of going to the first point I raised with respect to being careful not to get into content regulation, at least in my previous life years ago, this has always been a sticky subject because countries deal with child online protection differently, you know, per country. I'm not aware of, like, one single standard by which to deal with this issue. So there's just a number of sensitivities. But I look forward to reading how this gets fleshed out as it goes forward. Thanks.

ALICE MUNYUA:

Thank you very much. And we're going to be sharing a proposed way forward. These are very good suggestions, taking that into consideration as well. So we propose a way forward that John

Carr can continue leading so that we can then see how this one progresses through the GAC system. So thank you.

Because we are running out of time, I'm going to speak very briefly on the PSWG operating guidelines. As you are aware, the GAC chair and vice chairs requested that we present the document despite the fact that the PSWG has not really reached consensus on the discussions. But just -- and, you know, the main outstanding issues that we haven't reached consensus about, you know, are whether or not we need this document in the first place. Because there's a bit of confusion regarding the origins of this document.

And just to be clear, the reason why we developed the guidelines was because we felt that the PSWG is a very unique working group. It has subject matter experts who are not members of the GAC. And so it's a guideline to help subject matter experts to actually understand how the GAC processes work and ICANN processes work. So a consistent reminder that this is a GAC working group, not a standalone working group. So that was -- that's the objective of the guidelines.

And so I'm afraid I think we got caught up in, you know, discussing in detail the pros and cons of the document. And I hope we don't have to discuss that again during the GAC.

I think it's a reminder that -- I think that's the first thing we have to consider, whether we should still, you know, continue discussing this document, whether it's relevant, do we need it.

And you'll notice that when we submitted it to the GAC as a briefing document, there's a disclaimer there that the PSWG has not reached consensus on this document. And we intend to discuss this further because there's some issues that we still are not in agreement. So I don't think we have the time to actually discuss those, but I would like to hear from you, first and foremost, whether we all agree that we need this document for the PSWG first. That's a question.

So your feedback is really important so that then I'll know -- Catherin and I will know how to then respond to the GAC during the session that has been scheduled for us.

So any comments or input on that, please? Do we need the document? Do we feel that this is a critical document to have?

CATHERIN BAUER-BULST: If I may argue pro document, I -- well, I still find it quite confusing to see all the different processes that are going on. And I note that the GAC is, of course, also working on its own operating principles and trying to establish the way in which it will work in this new context. And the PSWG sort of plays a double role as

sort of an arm of the GAC that should support the work of the GAC. But in doing so, it also means going out and interacting with other parts of the community.

And I think it's very important both for our own understanding as members of this working group and more importantly for the GAC as a whole to sort of look at on which terms we do this type of work and how we agree internally on what is said, how we present the position that we may take and any such process, and how we at some point try to reach consensus.

And there are some aspects of the work of the PSWG that are not fully congruent with the work of the GAC as a whole. So just applying the GAC operating principles would not necessarily answer all the questions that come up in the context of the PSWG in which I think it would be important to have clarity on. So that's why I believe it is worthwhile further exploring this document and also for the benefit of the GAC to basically give us their sign-off on how subject matter experts might participate in other processes around the community. Thank you.

ALICE MUNYUA:

Thank you, Catherin. Any other comments?

So I assume we agree that it's an important document to continue discussing. And so we will present that to the GAC and

also mention quite clearly that we do not have consensus. And then Catherin and I we'll come back to you -- U.K. please.

UNITED KINGDOM: Nick Shorey, U.K. I'm just wondering if we don't have -- I think it's a really useful document. I'm just wondering if we don't yet have consensus on it, should we present it to the GAC now or should we continue working on it within the PSWG?

ALICE MUNYUA: Thank you for that. I think my proposal is going to be -- because the GAC leadership was quite interested in having this document, I mean, provided to the GAC for information and for discussion. So I'm going to propose to the GAC that it's under consideration, that the PSWG thinks it's an important document to have and that we are going to have time intersessionally between now and the next meeting in March to complete our discussions and development of the document. So that is what - - and then perhaps we can either we can cede that time to other GAC sessions.

So if that's okay with everybody, that's what Catherin and I will do during that session. Is that okay? Thank you.

Okay. So we can go to the next agenda item, which is capacity-building. And very quickly, we've done quite a bit between our

last meeting in Marrakech and Hyderabad. I attended the Africa -- the head of cybercrime for the -- the Africa region, and presented the work of the public safety working group. A lot of interest expressed.

And to that effect, Kenya who chairs that working group is going to be hosting a meeting in Nairobi on the 24th and 25th of capacity-building for African heads of cybercrime. And we're going to be presenting the work of the public safety working group.

And during that time, we're also proposing that on the 27th of January, 2017, we plan to see whether we can have -- whether it's going to be feasible to have a public safety working group intersessional meeting. We are going to send that proposal on the mailing list for further discussion.

And Kenya presented. Perhaps, you could see a few words to that.

KENYA:

Alice, on behalf of Kenyan government, we would be happy to host a meeting in general and we would be happy to see you all there. And it's a very nice time of the year. It's nice and warm. And I'm sure you will enjoy it. It's very peaceful in Kenya also and very secure. And we look forward to seeing all of you and

we would be very happy to host the meeting and more particularly so the capacity-building in this new areas which are also concern given the African community. As explained by John, one in two users in developing countries are children. And I think it's important that such capacity is widely spread throughout the region also. So we would be more than happy to attend. Thank you very much, Alice.

ALICE MUNYUA:

Thank you, Kenya.

Is there -- is it feasible for us to perhaps maybe continue and propose the 27th of January for a possible intersessional public safety working group intersessional meeting? And, of course, you're all welcome. The ICANN government engagement and global stakeholder engagement are also going to be holding a meeting for African governments, those who are in the GAC and those who are not in the GAC, as a capacity-building and outreach exercise. And it's going to be focusing on introducing ICANN and the GAC and the work that ICANN does and as a way of trying to engage more African members.

So the public safety working group members are welcome to all of those meetings, the GAC -- the Africa GAC two meetings prior to that, the African heads of cybercrime capacity-building sessions two days after that and the possibility of having a

public safety working group intersessional meeting on the 27th of January. We're going to send those dates for you for agreement. Any questions?

Okay. No questions, so we can move to the next agenda item. Welcome the ICANN ombuds person, Mr. Herb Waye. Thank you. Five minutes.

HERB WAYE:

Good evening, everybody. Bonjour. Thank you very much for the invitation to briefly introduce myself to this working group. It's nice to be able to attend and meet some of the people in the GAC world. And I'm really appreciative of this opportunity.

A little bit about myself, I was appointed the ombudsman earlier this summer. But I have been working in the office for over ten years now as the adjunct. So my ICANN knowledge is quite extensive. I'm not just starting out. I'm hitting the ground running and quite comfortable in the environment.

So, a little bit about myself. I have 35 years of law enforcement experience that I'm bringing into this -- into this role in Canada. And I -- so I clearly understand some of the challenges and the difficulties that the public safety world experiences in policy development and getting your message out, getting it heard,

getting it considered in the various commercial and government environments.

So, I'm not totally oblivious to what's going on in the public safety world, and I have been living it for over 35 years now.

Also, a bit of background, I'm also a professor at -- an associate faculty with Royal Roads University in the justice studies program. So my -- I have a fair amount of experience in the area.

One of the primary goals of starting out in this job is going to be to get out and do outreach in the community, which is the reason I'm so appreciative of the GAC opening its arms and doors to my -- introducing myself at various functions through the week.

Relationships are critical when it comes to dealing with conflict in any organizational environment and being seen and being able to meet you and chat with you. And I invite you all to please come and drop into my office which is just up the hallway here at the foot of the escalators. Drop in just to say hi. We can have a chat about some of your issues or we can just have a chat about public safety or anything else that might be on your mind.

One of the things that I am going to be looking at over the next several months and exploring is the ability to level out the playing field when it comes to policy development. There are

several groups in the various constituencies in ICANN that are not, I feel, being properly heard. They're not being listened to. There's an imbalance in some of the areas that leads to what I feel is a bit of a challenge for some groups to get their message across. And as a voice of the people, which is one of the original fundamental values of an ombuds when they created the industry back a few hundred years ago was that it was to be the voice of the people. And I am there and available to serve as potentially an advocate for any issues that need to be brought to the table that are somehow not being listened to.

I guess if you can flip slides. I will put a few slides up there. I will not really be talking to the slides. But one of the things I do want to point out for you is the voice of the community. Again, over on the left, you see some of the things that I can do: Advocacy when necessary but there's also other things. Like, there's any inappropriate behavior. ICANN has developed an expected standards of behavior, which I am promoting actively. So, again, it's something that I feel GAC and all of its various branches, arms, working groups, whatever you want to call it, I consider to be part of my community. And I'm there to serve anybody that has -- is in any way linked to the environment as a whole.

I've gone through this. I'm also available as a resource for conflict management. So if there is an issue that arises and a little bit of conflict does develop in any of the situations you

might find yourselves in, please don't hesitate to get in touch with me and ask me for advice or intervention as potential mediator or some sort of alternate dispute resolution if you at all feel I might be of assistance.

That's me. Based in Canada, so I'm in a relatively simple time zone in North America. So I have availability pretty much through the day. I work from home, but my phone is always on my hip much to my wife's chagrin. And usually can get back to anybody that needs to talk to me within a couple of hours.

You're -- also feel free to follow me on Twitter and Facebook, which are two new platforms that I've just put together and I will be using to see how that can be developed as an outreach to the community and anybody who might be interested in following along.

So, again, thank you very much for this time. I will let you get back to work. Are there any questions or -- anyway, please drop in. I'm a chatty type of fellow. And although I'm fighting a cold right now and my luggage is somewhere's between Ottawa and India, it is full of maple cookies.

[Laughter]

And when it does get here, there will be usually a box of cookies open on my desk for everybody to share. So please drop in. Thank you very much, Madam Chair. And bonsoir tout le monde.

ALICE MUNYUA: Catherin.

CATHERIN BAUER-BULST: Thank you very much, Herb. We firmly believe in the power of cookies as conversation fuel.

[Laughter]

So I will be stopping by.

Now we are going to turn to some of the updates on some of the ongoing policy processes and other initiatives that the PSWG members are involved in on behalf of the GAC. And just to keep everyone's brains limber at the end of the day, we're going to flip the order on the updates. So we're going to start with an update from Bobby Flaim on the specification 11 security framework, which has been going on for quite some time already.

BOBBY FLAIM: Oh, thank you, Cathrin.

We had a couple of meetings already here at ICANN to discuss the Spec 11, which is the security framework. And just to refresh everyone's memory, the security 11 -- sorry, the Specification 11 security framework is a voluntary document for the registries on how they respond to security threats.

If you remember the 2013 GAC communique stated that registries under the obligation to respond to security threats and to analyze and, you know, to look for them, and one of the offshoots of this was the Spec 11 security framework.

So what happened was the registries and the PSWG have been working for about a little over a year now to try to come up with a document that details how registries would respond to security threats. So we've gone through a few versions. The first version was put forth by the PSWG, was turned down by the registries, and they produced their own document. And we have gone back and forth over the past six or seven months, and we are currently on version 2.

We have a couple of sticking points. One of the problems, greater problems that we have with the document is that it is lacking in a lot of specificity on how registries would respond to some of the security threats, and the reasons the registries have provided with that, there are various models, there is various sizes of registries, so one size wouldn't fit all.

So we have just gotten new language from the registries today. That's the version 2. So we as the PSWG are actually going to review that again and decide what edits and what methodology we will go forward with with this new version.

So at this point in time, I think we have to regroup as the PSWG and see what input we want to provide into version 2 and where we go from there, because it is assumed that, for the PSWG, once we come up -- we in the registries come up with a document, that will have to be reviewed by the GAC and it will have to be reviewed in the prism of whether this fits with the original intent of the Jon Bing communique language in reviewing the security threats and the response to the security threats.

So it's got a little bit convoluted. We've gone back and forth. There's the PIC, and then there's Spec 11, and there's Spec 11 3A, and 3B and 3C, so it's gotten a little confusing. But the bottom line is the way it's been settled at this point, based on what the ICANN Board came back with, is that there should be a framework, and that's where we're at now insofar as deciding what the framework should look like, what it should say, and how we move forward. So that's the update.

So if anyone has any questions, please.

Yes. Andreea.

CANADA: Thanks very much, Bobby. I'm just wondering if you have a sense of the revised timeline. Because I think what's published on their website currently is indicating the final report will be coming out by the end of this year, and it doesn't sound like we're quite there.

Thank you.

BOBBY FLAIM: That's a good question and I wish I could give you a concrete answer but we don't have one based on the discussion we had.

I know the registries are very eager to have this finalized, and so are we, but based on the conversations that we had and some of the PSWG input, it may take longer than that. But we don't have a definitive timeline or answer or deadline.

Nick?

UNKNOWN SPEAKER: Yeah. I think we're currently about six or seven months behind the time frame that's on the Internet.

CATHRIN BAUER-BULST: All right. If there are no further questions, thanks very much to Bobby for this update.

And now we will turn to the update on the consumer trust and consumer choice review team. This is a process that has started fairly recently but that is operating under extremely tight deadlines. And so we're very grateful both to Laureen Kapin and to Megan Richards who have been participating on behalf of the GAC in this process, for all the time and energy they're devoting to this process, which I understand already included two full-day meetings at this ICANN session and much more in between sessions.

So now I'll turn it over to Laureen for an update of where they stand.

Thank you, Laureen.

LAUREEN KAPIN: Thanks, Cathrin. first of all I want to let folks know if you want a very complete briefing, that Sunday at 1:30, the CCT review team will be giving a formal update to the GAC. And this brief update that I'm going to give is necessarily going to focus on the issues that I'm most familiar with, which are the consumer trust and safeguards issues. That is the subteam that I'm leading as part

of the competition, consumer choice, and consumer trust review team.

So just generally speaking in terms of timelines, because I know people are very interested in timing, we hope to get a preliminary report out to the community by the end of the year and get some feedback on that. And we're aiming for a final report by July.

One of the things that is coming up that is driving some of the timing here in terms of July as opposed to something a bit earlier is that we are going to be embarking on a study focusing on DNS abuse, which I know has been a topic that many of the safeguards are concerned with. There's been much GAC communique advice about safeguards that really deal with the issue of DNS abuse and public safety concerns in general. And we are going to be launching a study that looks at the amount of abuse that was in the Domain Name System prior to the release of the new gTLDs, prior to the expansion of the gTLD system, and levels of abuse that are in the system after the introduction of the new gTLDs.

And we're hoping at least to get information that compares these levels of abuse, and that may enable us to at least have some correlations that will be useful for our study -- for our review team report, rather.

Just to give a two-minute version, we've all been hard at work. Our competition and consumer choice folks have been very hard at work thinking about the market and whether competition and choice has expanded as a result of the new gTLD program. I'm not going to speak to that because I'm not the expert on that and I don't want to get it wrong.

From the consumer trust point of view, however, we've really focused on whether the new gTLD program has put sufficient mechanisms in place to improve trust worthiness to the Domain Name System and mitigate risks involved in the expansion. And then we've -- and that's more of an objective component, what's been put in place to the extent we have data, has it been effective. And then have these efforts had an impact on public perception of the DNS? And we're fortunate that at least in terms of the latter point, Nielsen has conducted several surveys that specifically ask questions about the public's perception of the trustworthiness of new gTLDs compared to legacy gTLDs. And we have some preliminary data that shows it's about half as much right now for new gTLDs as legacy gTLDs. And we also have data that shows that trust in the DNS system overall has not decreased since the expansion of the new gTLDs. So from a subjective perspective, that's the data we have so far.

Focusing on the safeguards and the measures put into place to mitigate risks, we do have many safeguards that have been put

into place as a result of the expansion of the new gTLD program. Many have been implemented. Some have not been implemented in a way that necessarily matched the GAC communique advice. We're seeking to take a look at the effectiveness of these safeguards. We're also looking at the voluntary public interest commitments, the provisions that registries have voluntarily instituted to go beyond what the contracts require and also the rights protection mechanisms.

So that's kind of a big picture of several of the things we're looking at. And I also want to leave you with this message, that it's a real focus of this review team to really have a data-driven approach, to really look at what information we have now and have that information and data fuel our recommendations. And in many cases, it's very early days. The new gTLD program is very young. And so the information is necessarily very young. And many of our recommendations are going to be focused on how to gather sufficient data in the future so that recommendations for future review teams can have this data as a foundation.

So I'm happy to take questions now. I'm also letting you know that there will be a more fulsome update on Sunday.

CATHERIN BAUER-BULST: Thank you very much, Lauren. If there are no questions let us briefly move on -- oh, sorry. Indonesia, please.

INDONESIA: Can I ask something to Mr. Bobby? You see previously it was presented that perhaps this PSWG will promote that websites that have name with this not so nice, like .kids, perhaps (indiscernible) kids, things like that, that sound unreasonable.

But from the legal point of view, can you actually say that you are not allowed to put a site with this name where actually websites have not been used to show something bad or something illegal? Thank you.

CATHERIN BAUER-BULST: Thank you for that question. Maybe I can come back to that. I think there possibly was a misunderstanding because what John Carr was suggesting was not that having a general generic top-level domain such as .kids would be not permissible per se. It was simply to say if you have a generic top-level domain that is - - that is likely to inspire a certain kind of expectation as to the content that might be hosted, as to the sites that might be hosted under such a generic top-level domain, such as we already have, for example, .BANK, you might need to put in place specific safeguards.

And when it comes to addressing website names, that would not be permissible under such or any generic top-level domains. We are talking about names such as pictures-of-babies-being-raped dot something. That's the type of illegal website name that John Carr is thinking of. I hope that answers your question.

Okay. Then I'm going to turn also in the interest of time quickly to the privacy/proxy service accreditation policy development. Just to emphasize that here, we've already moved to the implementation phase. So we are not actually looking at the policy development any further. And I may remind you that the GAC has adopted advice on this privacy/proxy process. As you may remember in Helsinki, notably referring to specific requirements for law enforcement's responses and for the question as to whether commercial users should be allowed to avail themselves of privacy/proxy services.

The ICANN board has not yet come back on the GAC advice. So this is outstanding. And in the policy development, in the implementation phase we are now at the very early stage of the implementation. And the ICANN staff have presented their overall time line for the implementation of the policy which currently foresees a full implementation by 2019 which in view of the complexity of the framework is not necessarily unrealistic even though it seems far out. This is not yet taking into account the GAC advice that was provided in Helsinki because, as I

mentioned, the board has not yet reacted to that GAC advice or given instructions to ICANN staff as to how to respond and how to incorporate the GAC advice in the implementation process.

Well, Nick was actually there.

Nick, do you want to add anything?

Okay. So I will turn it over to Alice now for the last point under this update, the participation in the new gTLD subsequent round procedures.

ALICE MUNYUA:

Thank you, Catherin.

We sent a message around from the GAC -- that the GAC lead, Switzerland, Jorge, regarding the GAC's participation on the new gTLD subsequent procedures. And the expectation is that the public safety working group is going to be to contribute to a brainstorming session that we have tomorrow at 11:00. And the brainstorming session is based on a couple of questions that have been developed by the various tracks of GNSO PDP working group. The questions are highlighted there.

We haven't received any comments so far from the PSWG. So what I would like to request is that if you could kindly be in the room and contribute to the brainstorming session. But also to

note that this is one of the challenges in terms of, I think -- the limited time we have in discussing some of these very important issues.

And so this is -- this is a good segue to talk about the housekeeping issues regarding the amount of time we require to spend, to discuss these issues. Perhaps we could have had a meeting prior to this, an Adobe Connect meeting prior to this, just to discuss this; but we didn't really have the time.

So we want to discuss that as a housekeeping issue which leads to the next agenda item, to hear from you whether or not it makes sense to have -- to schedule sessions -- working sessions intersessionally every month.

I will hand over that to Fabien to provide us with that proposal that we can perhaps discuss.

FABIEN BETREMIEUX:

Thank you, Alice. This is Fabien Betremieux, ICANN GAC support staff.

So, yeah, the purpose is really to potentially hold regular conference calls in between the ICANN meetings that there can be substantive discussion and progress on the various and growing number of initiatives that the PSWG is taking on.

Another driver I'm going to bring up the schedule for the preparation for ICANN58. This is just to give you an idea that some work will need to happen in order to feed the GAC with any substance that the PSWG would like to push for GAC consideration.

So as you can see here, I'm just looking at -- sorry, we will need to have all the papers for consideration by the GAC to the GAC secretariat by 27th of January. So it's still a while from now. But in order to advance the various topics on which you've discussed and update, there will -- we will need time to discuss the substance and then for putting that substance into paper for GAC consideration, et cetera. So this is just to give you a sense of the amount of work that needs to go on in those various initiatives.

So I really think what we're trying to assess is the support of a proposal to hold conference calls on a biweekly basis, that is, every two weeks, with potential cancellation of any meetings that would not be needed. So I guess that's the proposal on the table for the PSWG consideration.

ALICE MUNYUA:

Yes, so we'd like to hear from you on that proposal, biweekly meetings so that we are able to contribute as effectively and efficiently as possible because the GAC requires time to consider

any proposals for endorsement. And there's quite a lot of work. Yeah, we have quite a lot of work and PDPs that we are following.

Yes, Fabien.

FABIEN BETREMIEUX:

I realize looking at the slide again that by December, we will start having agenda-setting calls. So by then, you will need to know exactly already what type of content you want to bring to the GAC's attention, so what sessions you'll need with the GAC. So it is fairly important to get organized way in advance and have progress on the various initiatives by that time.

ALICE MUNYUA:

Very tight. And also taking into consideration that the PSWG members need to have their own processes at the national level with various agencies before they're able to comment on the various papers produced by -- developed by their topic leads. So that is something that we need to take into consideration. So I think biweekly meetings are important. So is that okay? I see no objection, so I think we agree to having biweekly meetings. Thank you very much.

Review of the PSWG work plan.

FABIEN BETREMIEUX: So in the interest of time, we might want to push that to the first call, the first biweekly call maybe.

ALICE MUNYUA: There's one AOB that was brought to our attention. And I see the representatives of the various RIRs. I see RIPE and AfriNIC and I think APNIC about the possibility of having the ASO join the public safety working group as an observer. So it's something I would like us to consider. I don't know whether it's as easy as we can say that yes now or it's something that you all feel we need to reconsider and take back to our meeting.

I see U.K. Nick?

So we need to consider it first at the public safety working group before we are able to take it to the GAC for endorsement. So I would like to hear from you whether it's something we may want to discuss, consider. U.K., Nick, please.

UNITED KINGDOM: Can't they be an observer anyway? Our meetings are open.

ALICE MUNYUA: Yeah, but I think the request here is to be an observer and join our mailing list, yeah, come to our meetings.

Gema.

GEMA CAMPILLOS: Thank you for giving me the floor, Alice. Although I'm not a member of this working group. But can GAC working group -- can the PSWG have an observer that's not a GAC member or a GAC observer? Thank you.

ALICE MUNYUA: Good question. So I think perhaps that's what the ASO may want to consider, whether they need to put their request through the GAC or, you know -- so I see -- well, Nick and Izumi and Alan. Perhaps if you want to say something, Izumi.

IZUMI OKUTANI: Thank you for the suggestion and sharing the idea. Sorry, I'm not in a position to respond yes or no. But certainly happy to take this back to the RIR colleagues and we'll get back to you with response.

ALICE MUNYUA: Okay. Alan, okay?

ALAN BARRETT: Thank you, Alice. This is Alan Barrett from AfriNIC. The ASO has not formally made any kind of request, although it is true we have been talking informally. And so while the ASO considers whether or not to make a request, it would be helpful if we could receive guidance from you on whether such a hypothetical request would be considered or welcomed. Thank you.

ALICE MUNYUA: As my colleague from Spain, Gema, said because the public safety working group is a GAC working group, we would have to take it to the GAC. And I think the best way would be to put the request and proposal -- submit a request for proposal through the GAC directly. But I don't know. Perhaps I can get you guidance, PSWG colleagues.

Catherin, please.

CATHERIN BAUER-BULST: I think -- I mean, as we are -- it's interesting because, of course, the GAC is still reflecting on how best to make use of the PSWG. But I think what is very clear is that we are sort of an extension of the GAC or an arm of the GAC. And as such, I would think that in terms of membership, sort of the same rules apply. While we can have some expert members, they have thus far always come from the delegation of a country or an organization to the GAC.

And so instead of setting any precedent on a working group level, I think it would make a lot of sense to discuss this with the GAC and then have an official observer status, perhaps if the GAC so decides for the ASO in the GAC and then also as a, you know, corollary in the public safety working group. Thank you.

ALICE MUNYUA:

Thank you, Catherin.

So suggestion would be since the ASO has just put this to us informally, perhaps you may want to discuss that. And if the proposal or suggestion is to request to become an observer on the GAC, then perhaps make that to the GAC and then we can take it through the process. Yeah. Thank you.

Nick, please.

UNITED KINGDOM:

Nick Shorey, U.K. Just got to be mindful. I think yes, absolutely, right procedure. But if you were to say yes to one, you have to say yes to the other. And where we're having our internal discussions on positions that haven't yet been agreed upon on internal mailing lists, particularly where we're working on text, if you say yes to one community member, you have to say yes to the other maybe. And that might be the GNSO where we may be a bit more reluctant.

ALICE MUNYUA:

Just reminder, GAC has a tradition of welcoming liaisons from other -- from other constituencies. So this is not -- you know, there's also a precedent to that. We have an ALAC liaison. We have a GNSO liaison. So it's not, you know -- so it's not going to be something new. So I think what we need to do is to see, you know, to what extent there's mutual benefit and also to remind you that in Marrakech, we actually -- we had a session with the NRO/ASO which was very beneficial to both the PSWG GAC and the NRO, and we work together anyway.

So just a reminder that it's not something new. The GAC does have liaisons with the other communities, the GNSO and ALAC and others. So it would be -- it's not new.

Gema, please.

GEMA CAMPILLOS:

Sorry to ask for the floor again. But those liaisons don't have access to the mailing lists or any of the GAC working groups mailing list. They have to put their messages through the GAC secretariat.

So this is not the first time that this issue is brought up to at least to the GAC leadership team. We have discussed about having outside people the possibility of being in our mailing lists. But

for the time being, this has been put off for a more in-depth discussion. And we didn't really see clear balance between the benefits and the cons, the problems with it, because you are going to have someone from the outside watching what you say on the mailing list, maybe watching something that is not of an interest for them.

It might be better to have a liaison with the ASO and organization and have interaction with them without necessarily having to give them access to the mailing list.

But as I say, this is something that we have discussed in the leadership team but have not taken a decision yet because it has to be taken to the whole GAC. But we have not even made that a discussion paper. Something to base future discussions on this.

ALICE MUNYUA:

Thank you, Gema.

And just to be clear, I was not suggesting that we -- that the ASO send their request to the GAC mailing list. I think they will have to follow the usual process through the secretariat that comes then to the GAC leadership.

The question of the mailing list I think is something we may need to discuss, as you mention. So what we'll be considering is whether or not we would like to have the ASO -- the GAC would

like to have the ASO as liaison and perhaps you can put that through once the ASO is ready with their own -- once they've had their own deliberations and discussions on the same issue.

Any other comments or any other business? I'm afraid we're running out of time and I'm aware people have got to catch shuttles.

Okay.

So there's no other business. Thank you all very, very much for your time. And we'll see you tomorrow at 11:00 during the session on the subsequent new gTLDs and during the HIT session.

Good evening.

Thank you.

[END OF TRANSCRIPTION]