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JOHANNESBURG – GAC Public Safety Working Group Update to GAC Plenary

Monday, June 26, 2017 – 13:30 to 14:00 JNB

ICANN59 | Johannesburg, South Africa

CHAIR SCHNEIDER: It's half past, so please begin taking your seats. We will begin shortly. Thank you.

Thank you all for coming back. So we will start immediately with the next session, which is a PSWG update to the GAC. So let me give the floor to Cathrin, one of the co-chairs of the PSWG. Thank you.

CATHRIN BAUER-BULST: Thank you very much, Thomas. My name is Cathrin Bauer-Bulst. I'm one of the co-chairs of the Public Safety Working Group. Thank you very much for being so disciplined on your lunch break and coming back so quickly to listen to our update.

We are -- as you know, we have two slots on the GAC agenda, one today and one on Wednesday, where we'll provide you an update on our work. And just to briefly explain what we're going to take you through on those two days, today we want to focus on giving you an update on the abuse mitigation efforts that you remember we first launched with the Copenhagen communique two meetings ago. So we're going to go into that and the follow-

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up on that in a couple minutes. And then the second part of today's update session we want to use to introduce Bryan Schilling, the new consumer safeguards director of ICANN. He has kindly agreed to be here together with Jamie Hedlund, and they are going to present Bryan's new role at ICANN and how that is evolving and also some of the work that he's looking at undertaking in the next couple of months together with the GAC. And then on Wednesday, we're going to update you on a few other issues, including the privacy/proxy implementation work, what is happening on the registration directory services side where there's a lot of work going on, and that also includes, of course, a possible position of the GAC on the RDS -- on the WHOIS conflict with local laws procedure. But that will be for Wednesday.

Now we want to turn to our update on the abuse mitigation efforts. And for this I will give the floor to our topic lead, Iranga Kahangama, who will take us through the updates. Iranga, over to you.

IRANGA KAHANGAMA: Thank you, Cathrin. I just want to say thank you all for being here and for working with us on the DNS abuse mitigation issues.

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So as you see, a brief history. These questions really started in November, the Hyderabad ICANN meeting, as per the GAC advice issued in the last two ICANN meetings. We've been working diligently to implement your advice and get answers to some of the questions and highlight the different DNS abuse issues that we see online.

Very quickly, the Copenhagen GAC communique had follow-up questions to which the ICANN CEO and ICANN provided answers on May 30th to us. About two weeks after they gave us questions they requested a dialogue with the ICANN CEO and us. And so we had that on June 15th. It was a very good dialogue.

Next slide, thanks.

So it was a good dialogue, and it went over kind of three main buckets that we think are questions to look at in terms of DNS abuse, the RA provisions and registrar accreditation, things like the WHOIS cross-validation and making sure that things that have been in these agreements are committed to and followed through appropriately. The new gTLD Applicant Guidebook and the RA, the registry agreement. So things like the Spec 11 3b, the advisory just came out. We are taking a look at that.

And then, you know, outside other reports of abuse. We're looking at -- we wanted to help ICANN be in a position to use all the tools it had available to itself to really identify issues of

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abuse and work diligently with us in order to work through those issues.

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So to give you a sense of how the dialogue went, it was a very positive dialogue. I -- From our perspective, ICANN came to the meeting seeking to finalize the draft answers and have a more productive exchange which we gladly welcome and we're happy to hear.

From the PSWG and the GAC perspective, we wanted to use this dialogue in order to engage in a more regular conversation with ICANN in order to address the concerns and look at our questions not simply as yes or no or existing and finished questions but as themes of DNS abuse, and using those questions as a basis from which to build attempts to address these issues to mitigate abuse.

So one of the things we also mentioned is that using the PSWG to be a regular reporting mechanism of abuse on other ICANN -- other relevant actions by ICANN and to publicize the dialogue to the ICANN community and to be a reporting mechanism to the GAC as a whole, which I think we're doing right now.

And then also we had a couple of specific questions that we thought lacked clarity, and so we sought the appropriate follow-

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up on that, and that's going to be a dialogue that's going to continue throughout this ICANN meeting and after.

So I think what came about from it is that we agree that there is a level of transparency that obviously occurred. The recording of the meeting is available online, so anyone who seeks to hear it or to read it can check out the transcript. And that we agreed that there needs to be more work on the implementation side for these contractual requirements. There's a number of outstanding issues and, you know, we want to engage in a continued dialogue to have that regular reporting mechanism in order to iteratively work through these questions, knowing that they're not very easy questions to answer.

And the other thing is that we're informed of a bunch of new ICANN initiatives that may address some of our concerns, and we're very excited to hear about that and are happy and willing to engage on those.

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So some of these initiatives that came up included the ad hoc committee group on compliance and safeguards that was mentioned by Jamie Hedlund and Bryan Schilling. I think that's something that we can delve into a little bit more in the second half of this presentation, but it's definitely something that the PSWG acknowledges and would love to participate in.

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The other thing is we were made aware of the domain abuse activity reporting project from CTO's office. This was briefly reported on at the last ICANN meeting but more substantively discussed on our call, and also had the pleasure of the PSWG having a presentation this morning on what some of those aspects entail. And that's also going to be open and available on the transcript. I think it was just a logistical planning issue that we put it together at the last second. But we were very pleased with what we had seen and think it's a great effort that ICANN has started.

So I think the goal of this is to make it a more data-driven approach to reporting DNS abuse, and so they're seeking community input on how the reporting mechanism should be after the fact that they compile all the data. So the PSWG is hoping to put together thoughts and advice on that and then submit them in the appropriate methods to have more clarity in terms of what ICANN should try to do with this advice and how it should be reported and -- and represented.

Other initiatives that we are exploring is identifier technology health index. I think this was also presented at the last GDD summit in Madrid, and attempts to measure the health of the Internet's unique identifier system is something that's an admirable goal which the PSWG would actively support, and we're currently looking at it. As, I think, the ITI kind of narrows

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down their focus, we will be definitely keep an eye on this and be engaging with that team as necessary to provide any relevant PSWG support.

Next slide, please.

Other initiatives that are relevant to the DNS abuse include the CCT review study. This is done by Delft University and it had a preliminary intermediate report and will have a finalized report next month, in July. And this is taking a very scientific, methodology approach to DNS abuse so obviously there can be a lot of lessons learned in terms of how they conducted their study, how they're measuring abuse and what the outcomes were. So we would like to use the outcomes of this study as well to inform our ability to contribute PSWG advice in terms of DNS abuse mitigation.

And finally, the DNS marketplace health index is another initiative that we're keeping track of to track the progress of ICANN's goal to supporting the evolution of the domain name marketplace to be robust. There have been versions of this and reports that have come out with public comment. So ultimately the important thing here is it's trying to evaluate the trustworthiness metric. And so we want to incorporate all aspects of these studies and make the GAC aware that the PSWG is hoping to engage with these relevant stakeholders and

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relevant bodies in terms of doing our role to help mitigate DNS abuse.

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So in terms of next steps, we want to use the questions and the answers and the dialogue that we've had with the ICANN CEO and his office as a basis for -- for measurement and recording of all of our reporting mechanisms as we drive to create mechanisms to have metrics and different performance indicators. We want to have those being driven by the subject matter that was found in the questions that we've had. We really appreciate the GAC's advice that was given both times to support those answers, and we want to take the answers from those questions as a basis for creating metrics, with things such as the DAR program and other initiatives, so that we can use those metrics to properly monitor and check out what's happening on the DNS abuse.

We also want to make a note of the fact that there are current contractual compliance metrics, and that's another set of metrics in this ICANN sphere that we recognize and that we believe should be reconciled with the other three or four measurement evaluation type programs that are happening. And as the PSWG, you know, we're happy to kind of take on that role of de-duplicating and de-conflicting a number of the metric-



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based approaches that are happening at ICANN and using those and reporting them to the GAC and how we see that they should be used bet in order to mitigate DNS abuse. It tends to be a lot of work, and there could be some overlap and some duplication, so we can happily, you know, work to clarify that as best as possible for the community.

And then, you know, have any other additional abuse metrics as needed.

I think largely speaking the questions allowed us to look both reactively and proactively at what ICANN is doing, so using the basis of the questions, I think we want to frame reactively that we allow ICANN to implement all of its commitments that it had agreed to, contractually and otherwise. And then proactively, as these initiatives that I've mentioned go forward, we can engage with them in a very efficient and diligent way to create the correct metrics in order to track this abuse.

And then the final next step is that we want to continue a dialogue where necessary to establish regular reporting by ICANN. I think this is going to be most appropriate at the working level with the mandate from the GAC, and this is something we may seek GAC advice on for this meeting in order to, if you agree that we should have a more regular dialogue, and then at a broader level have a larger dialogue with the

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ICANN CEO and relevant stakeholders as needed, but recognizing that a lot of the work is going to be coming by a continued back and forth at the working level between the PSWG and relevant ICANN stakeholders such as the security team and the CTO's office.

So this is a very broad level overview of how the dialogue went. We were very pleased with it and we're excited to see how it goes forward.

Thanks.

CATHRIN BAUER-BULST: Thank you very much, Iranga. Now we realize a lot of this can seem very technical so I just wanted to take one minute to bring this back to the policy level and remind all of us why this is so key for us as the GAC.

So what this dialogue has facilitated -- and I agree with Iranga, we think this process and the dialogue in particular that is been very helpful. These different processes will deliver the factual evidence that we need to assess two things as the GAC. First of all, whether what is happening now actually respects the existing policy, and whether compliance measures are adequate to help that the commitment under the existing policy and contractual commitment are being met.

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But, secondly, it can also help us identify larger trends, such as what is driving abuse or which good practices are actually successfully preventing abuse, and what can we as the GAC do from the public-policy perspective to build on this knowledge and to make sure that we devise the right policies and pay the attention to the implementation of the right existing policies to prevent abuse more successfully. And of course that applies across a myriad of different policy interests that we have. One that has come up recently, but is just one of many that we need to pay attention to, is child protection, in particular, you know. These metrics might help us identify what measures registries and registrars or other parts of the community should take to more successfully prevent the abuse of the DNS space for all sorts of negative behaviors, including criminal behavior that we would seek to prevent from our perspective as those in charge of making sure that public-policy interests are being taken into account in the decisions that are being made here.

So that's why we are extremely encouraged by the recent developments, hopefully in part also at least supported by the questions that the GAC has asked. We're very glad to have the new domain abuse activity reporting tool, and we really look forward in particular to working now with Bryan and Jamie on making this more into more of a reality. And I guess this is a very good transition now to turn the floor over to Bryan and Jamie to

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introduce Bryan's new position to the GAC. But maybe before I do this, I'll stop here for one minute to see whether there are any questions on what has been said so far.

Okay. If there are not, then I will turn it over to the two of you now. Thank you very much for taking the time.

JAMIE HEDLUND:

Thank you, Cathrin, and thank you all for having us. I think I've spoken a little bit in the past about what contractual compliance and consumer safeguards hopes to achieve over the near term. So I'll be brief in introducing Bryan.

Bryan comes from -- first of all, his role exists in large part because of the GAC and ALAC and others who really wanted there to be more focus within ICANN on consumer safeguards. Bryan was one of about 35 candidates who applied for the role from various backgrounds, and we're very lucky to have Bryan who spent some time at the FBI in the legal department, has also worked for Microsoft, Google, and -- and other tech organizations, comes with a good both technology and global policy background. And so I am thrilled that he has joined. One of the things that he will spearhead, which we'll talk about in a second, is this ad hoc community-wide working group on contractual compliance and consumer safeguards. We hope that this will be a forum for the community to gather and discuss

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among themselves issues related to compliance and consumer safeguards, including some of the things that you're talking about, Cathrin, on data reports that ICANN should be making and providing to the community at large. But also where there is a gap between what the contract -- the contracts clearly require now and where many hope that ICANN would be in terms of protecting consumers and registrants. So with that -- and we hope that the GAC will be very active in both the planning as well as the -- and participating in this working group. And so with that, I'll turn it over to Bryan.

BRYAN SCHILLING:

Thank you, Jamie, and thank you, Cathrin. It's exciting to be here in front to have GAC and the Public Safety Working Group. Jamie and I spoke earlier today with ALAC and delivered this very short deck, if we want to just go ahead to the next slide. It's just a real brief agenda. Some of it will likely be familiar to you, starting with the next slide, which is -- which was -- that's all right. We can -- in Copenhagen, I believe Jamie presented a mission statement of what the idea behind the consumer safeguards role would be and that is really first and foremost taking an assessment of ICANN's current authorities and capabilities that we within the community can perhaps look at, utilizing in the consumer safeguard space. Kind of the next --

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and these are just ideas open for input on how some of the areas we think the role might function.

Another area of the role that is to really facilitate discussions within and across the community about new potential safeguards that ICANN could consider approaching or implementing over time within the remit of the organization's authority. But I think one of the -- thank you. So the next slide was kind of where I'm at on we pulled these bullet points out of the job description. But one that I think is important to note that we've had a discussion in -- and want to hear feedback from the community is that where the organization's remit ends and authority ends, we no longer want to necessarily be the -- that being the final answer and that we can't do anything. So we want to be a bridge between consumers who come to ICANN with issues and the entities that can help address the issues that they are facing. And with that, we believe in the next slide, as Jamie just mentioned, and I also understand was mentioned in Copenhagen, the formation ideally of an ad hoc community group. And I appreciate, Iranga, already a commitment to participating in that with the ALAC, who also voiced their support for that earlier today. And really what we want to hear is, how should this be structured, what are some of the key issues that we should focus on across the community, you know, how often should we meet, and then as it indicates there,

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possibly looking to a bit more of a session of this in Abu Dhabi at ICANN 60.

But to help kick off what we're thinking about in terms of this ad hoc group, on the next slide we really have some high-level questions for the community about what should the priorities of this role be, are there particular areas in the abuse space that we should focus on, what do we define as success for this role, and some of the things that we could accomplish as a community to increase consumer safeguards for end users and pretty much anyone who touches the domain namespace and the Internet.

So with that, it's kind of a conclusion of the deck, just this last slide. And I understand everybody knows how to reach us but wanted to make sure you have our contact information. And at that point we can open it up to any comments or questions.

NETHERLANDS:

Yes. Thank you. Thank you all for the presentation. I'm very glad that we have a new consumer safeguards director working on top of it. My remarks are more general in nature, not about, let's say, certain topics we should focus on. But I think I'm a little bit worried about the fact that the new -- I think it's -- it's a - - it's not a final report but for the CCT there has been an abuse study and which what I see is generally that the abuse is getting to a level which other legacy TLDs have -- if you extrapolate it,

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it's not completely mathematical what I am saying, but you see the line going to the extent of potential abuse and other legacy TLDs. And that's something which worries me because, of course, legacy TLDs are legacy TLDs. There are no contractual -- there are no really, let's say, structural approach of abuse, mitigation. Of course, there are some contracts, but basically with the gTLDs we have now we had a full green field and we could, let's say, prepare us from the beginning to try to prevent abuse. So it worries me that we already have indication that the abuse will get to the same extent while as I said in ICANN we have to whole stakeholder community to be really on top of it and to make sure that we don't have these kind of things from the beginning. So that's more kind of general point to indicate that because of being new gTLDs we should really put much more effort on the things which you are working together with us. Thank you.

CATHRIN BAUER-BULST: Thank you. Just for the record, that was Thomas from the Netherlands. But indeed that is something -- and we will have an update from the CCT review team in a minute -- but that was something that we also noted and in fact the abuse of new gTLDs has by far exceeded some of the abuse on legacy TLDs as also been shown by the study, so this is really not a positive



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development. Maybe, I don't know whether Bryan, you want to react or --

BRYAN SCHILLING:

So I'm also a member of the CCT review team, and they are trying to take into account some of the recent data and some of the data also that -- that David Conrad, CTO, his -- his shop is coming out with. And one thing that's new for contractual compliance, or somewhat new, anyway, is much -- much stronger emphasis anyway on working with the CTO and the reports that they're getting and that the data that they're picking up and trying to figure out are there ways of directing or perhaps redirecting some of the compliance resources, not just toward the everyday WHOIS inaccuracy reports but some of the known bad actors and what's -- and as you know, a lot of them, most of them do not participate in ICANN. They don't participate in ICANN meetings. And I'm getting one thing that's sort of heartening is that at least quietly the -- some of the contracted parties are eagerly supporting what we're looking to do because while they may have issues within their -- within their domains, it's nothing like what they're seeing from some of the others. So ...

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FABIEN BETREMIEUX: We have a question from a remote participant. I will read the question, and I'll let you address. It's not specified to whom it's directed. "Could I just ask" -- so it's from Michael Karanicolas. "Could I just ask a question as to how abuse is being defined? I see references to phishing, spam, malware distribution, and botnet coming in control, as well as to child abuse imagery but do these abuses extend to other illegal behaviors such as copyright infringement, hate speech, blasphemy, which is criminal in many states, defamation, which is criminal in many states, et cetera. Is ICANN looking to establish safeguards against all of these or some, and how is this remit being defined?"

JAMIE HEDLUND: Thanks. That's a question for an entire session on its own. So there is DNS abuse that's called out in the contractual agreements that we have with registries and registrars. Some of those which particularly are aimed at the infrastructure of DNS, malware, botnets, phishing. Those are things that are closer to falling within our compliance authority in the ICANN scope. Many of the other things that were listed there, however, fall under content, and our authority to go after copyright infringement, for example, is not as clear. It's not -- in fact, it's not clear at all. However, in the -- the tool that David Conrad's group has been developing, they do look for spam. Spam for

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many is considered content. It's bulk mailing. It's not in and of itself abuse. However, spam is also a vector for other forms of abuse. Often we find that with spam comes phishing, malware, botnets, et cetera. So while we may not be able to take action directly against -- against spam, we do look at it in determining whether we can -- can and should go after something that's posing more of a threat to the DNS than just spam would.

CATHRIN BAUER-BULST: Thank you, Jamie. Are there any other questions from the audience? Oh, yes, please, Mark.

MARK CARVELL: Thank you, Cathrin. Thank you, Jamie and Bryan, for coming here to talk to us. Mark Carvell, United Kingdom. Representative on the GAC and one of the vice chairs. It's a very important step for ICANN to make this -- create this post and to put you in it and wish you well with you're extremely important mandate. And I think it's important for all of us in our respective administrations to help promote awareness of your role and perhaps maybe it's available. I hadn't checked if there was a summary of your remit and your current expectations of how the post will develop. And I note you said that you've got questions about -- to the community about how to structure your -- your office and how -- and to structure the work and so on and how to

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engage across the community. So it's -- you know, when that becomes fully developed and worked out, as I say it's incumbent on all of us in government administrations to promote awareness of your role.

And I was wondering if you were anticipating outreach to consumer protection authorities and -- at the national level in some way and how you would actually network with consumers. I noted you said you were kind of -- your role is to be a bridge for consumers, if I understood you correctly. We are all consumers here, of course, in the ICANN community. But do you anticipate your profile as the consumer safeguards director being very widely established amongst consumer agencies, NGOs and so on, the people actually sort of -- the front line, if you like, of engaging with consumers. Do you anticipate that kind of outreach beyond the ICANN community?

Thanks.

BRYAN SCHILLING:

Thank you, Mark. I think over time, through the GAC and through the ALAC, we would be looking to expand this -- this role and the knowledge of it outside to consumers that aren't necessarily aware of ICANN or aware of the kind of roles that the GAC, and ALAC, and others play in helping us formulate this role and this position as it does develop over time.

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I think in the sense of what I meant by being a bridge is for those individuals that do come to ICANN for assistance with abuse-related issues, when -- when they come to ICANN as their first point of contact, perhaps, and the question that they raise or the issue that they raise is not within our remit. Instead of just saying, you know, sorry, you know, not our issue, we want to be that voice or that bridge that says, okay, well, here's where you can go, and referring that to individuals that are represented here today or to various consumer groups. You know, having the experience I've had with working in law enforcement on a -- kind of a global basis, I was very fortunate in the role, too, that I had with the FBI to work internationally, but also then with the private sector, kind of working with a lot of NGOs and individual consumer groups and privacy organizations. I mean, we haven't really -- we briefly touched on that, but that was brought up in the ALAC in terms of GDPR and privacy issues, and those might be some things that land on the plate as well. But those would be avenues that we would kind of direct individuals versus having the door be closed when they first show up at ICANN.

CATHRIN BAUER-BULST: Thank you very much, Bryan. And I think with that we're going to have to wrap up the session. Just to say I think for the GAC this is an extremely positive development because we are operating in the space where we're working pretty much on the

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basis of contracts between two parts of this community that include a lot of clauses that in fact are not in the interest of either of the parties to the contract, but in the interest of other participants of the community, notably the GAC, when it comes to all the clauses that are included in the public interest. And having somebody like you here who can represent the public and make sure that also those parts of the contract are filled with a bit more life we see as an extremely positive development. And we take note of the fact that your role is still evolving. If you are also going to be in charge of the GDPR, good luck to you.

[ Laughter ]

I would just say that we, I think, as the Public Safety Working Group and certainly as the GAC will be very interested in working with you in helping to define that role. And welcome from all of us and good luck with the first few months of your work.

Thank you.

And thank you to all of you for attending this session. I now turn it back to Thomas.

CHAIR SCHNEIDER: Thank you, Cathrin, and thank you everybody for this update and the very useful exchange.

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