
ICANN72 | Virtual Annual General Meeting – ccNSO: DNS Abuse - What's the role of the ccNSO? (2 of 2)
Wednesday, October 27, 2021 – 16:30 to 17:30 PDT

KIMBERLY CARLSON: Hi, everyone. And welcome back to Part 2 of the ccNSO DNS abuse session. As a reminder, the calls are recorded and follow ICANN's expected standards of behavior.

Participants are welcome to comment in chat and raise their hand to ask their questions or comments verbally.

Thank you. And back over to you, Alejandra.

ALEJANDRA REYNOSO: Thank you very much, team. And thank you everyone for joining this second part. In the first part, we had a panel of six presenters who gave us some suggestions on what the ccNSO should do or should not do regarding DNS abuse. Those suggestions have been put in a document that we will share very soon. And we will ask the community, all of you, to please give us feedback on what we heard on the first part.

Can we see the document with the suggestions, please? And maybe zoom a little. Just a little. Okay. While it's getting done, let me remind you that this feedback will be taken to the council, and whatever we see today will be discussed to see the next steps on the DNS abuse topic. So please bear with us a little bit because we will do some triage now as in see what suggestions make sense and which ones there's some disagreement on and see where there is diverging views. So we will poll

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all of the suggestions first, and then we will see the ones that need further discussion. So please bear with us.

And I'll give the microphone to Nick.

NICK WENBAN-SMITH:

Thanks, Alejandra. So we just wanted to thank you very much for everybody participating so actively in the first session. We've got 15 suggestions. We've whittled it down. And thank you very much also to our amazing ccNSO ICANN Secretariat staff because they have been busy, busy, busy while we've been making our coffee to put this list together and to set some polling up for this.

So it was just useful for everybody to see that there are 15, I think, suggestions or statements or things that we will be asking the participants to this session to give us an indicative agree/disagree/no opinion on in terms of helping us. 15 suggestions is quite a large number to take to the council, so what we want to try to do is work out which of the ones have the strongest cross-community support for us to progress going forward and help us inform our discussions about what we do next as the ccNSO and council on behalf of all of the ccNSO members.

So what we will do is go through all these questions. There are 15 questions, so it's going to take a little bit of time to go through them. So we got to be quite efficient and I'm going to be quite strict and quite bossy about getting your fingers ready to vote. The voting is facilitated through the Zoom, so it should be really quite straightforward, but you

do need to be a little bit alert. Just scan your eyes down the list of questions before we start. You'll see things that we've put in there, including the DAAR, the TLD-OPS, and audit mechanisms. Everything that we think came out of that first session has been summarized here in these 15 questions.

So these questions here are for everybody to ... Can you see your 15? I can just about see all 15 on my view, Jim. So there was a question from Peter Van Roste around all participants [to run] ... Yes, please. Everybody responds to all of the questions. We want to hear from everybody participating whether you are a ccTLD not in the ccNSO, whether you're a ccTLD in the ccNSO. If you're outside of the ccNSO communities, we want to hear from everybody across all of the communities about this and just try to work out which are broadly in agreement, broadly in disagreement, or whether there's a 50/50, which we might need to delve into. So there'll be some opportunities for questions as we go through it as well. I will try to be very direct when we go through it.

So are we ready to do the polling?

Nodding. Okay. Let's go into this. Let's do this. Okay, perfect. So Question #1. Sharing information will ccTLDs and build awareness. My personal interpretation is this is to continue to share information because this is something that we already do as we've explained. So I'll give you a few seconds to answer that poll question.

And what the staff are very kindly going to do—you can see we're working like a smoothly oiled machine here—is they will type in the

polling as we go along so we'll be able to get a flavor of you, the community, are telling us when we take this forward.

Okay. Wow. Perfect. This is consensus. Thank you.

Okay. Next question, please. So sharing information with other parts of ICANN. And this was suggested by John Crain, by Jim Galvin, and also by Byron Holland. So a number of people have suggested this. Sharing information with other parts of ICANN, yeah. I'll give you a few seconds to get that.

Okay. Not quite as close but broadly. I think the question was ... yeah. I can't stand that. Thank you. My question—I don't whether staff can put it in the chat—is—we've got 110 participants in the Zoom room—I'm just wondering how many people are participating the poll. Obviously, 100%, if it's only one participant, is different from 100% when there's 80 participants, right?

Thanks, Bart.

So carry on going through these. Average 50. Brilliant. Thank you.

#3. Consider best-practice educational roles. Again, I want to clarify: to continue best-practice in educational role but I think to maybe dial up and specifically have a bit more in the DNS abuse topic. I'll give everyone a few minutes.

Yeah, thanks, Bruce. I can see your comment in the chat about how these questions seem like no-brainer questions, but we've simply taken ... What we've asked of the panelists was to represent a broad

section of the community within the ccTLDs and without the ccTLDs to come up with three suggestions. So we've amalgamated those into the 15 and we're now essentially validating that on a larger scale with everybody. And I guess some of them are fairly, as you say, no-brainers, but I think the process of going through this exercise is itself very valuable for those who have to discuss it further in detail.

So next question, Question #4: to consider a role for the TLD-OPS Group or a similar group. We were lucky to hear from Regis, who's Vice-Chair of the TLD-OPS Group about that group's work in terms of providing a forum specifically to discuss security questions between and amongst ccTLDs and ccTLDs' security officers. So the idea would be to ... I think, if I heard it right, it wouldn't be appropriate to fit within the ccTLD Ops Group as currently formulated because its remit wouldn't include that specific security remit. But maybe we should set up a separate one.

So this is where this might need a bit more discussion. So let's park for that now. Thanks very much for participating in that.

Okay. Question #5: encourage ccTLDs to participate in DAAR. And several panelists spoke very knowledgably about DAAR. And there were links posted. We'll wait a moment while the numbers are being digested.

I like that comment, Peter, but we have regional groups where there are [perfect] information sharing on a more regional basis, which might be better for some of us.

Okay. Well, 71% with 13% disagree. 13% no opinion. So pretty strong advice. And the way that these expressions, as I said, is it takes into account that, as we've said before, that the ccNSO does not dictate policies for the ccTLDs. We can encourage. We can share best practice. We can do some soft nudging. And certainly discussing and sharing experiences is definitely what we do, but we couldn't mandate it. It wouldn't be possible.

The next question, please. #6: the community-developed frameworks. And we had some examples of those community frameworks, whether it's around the digitally generated algorithms ... Or there are other abuse frameworks.

Yeah, thanks, Gabe, for that comment about that support here could be simple as providing constructive feedback or iterations or ...

Okay. 65% in agreement. So it's not 100%, is it? It's still majority support but not quite so strong.

Okay. The next question is around management of expectations. So if I understood this question right, it's a little bit, as I think is common across all TLDs, whether their gTLDs or ccTLDs, that there's an ecosystem, and some data isn't held at the ccTLD or the registry. Some of it is held by registrars. And all of that needs a bit more discussion.

Yeah, thanks, Mike. I agree that question could be clearer. And I suppose, in the context of what was said in the first session, it's around what we can do. There aren't silver bullets to the solutions of abuse of the Internet or DNS abuse in particular. I think that comment was made

by several of the panelists, and I think that's what that question is designed to reflect.

Okay. Question #8, please. So I think we heard from Anil around their experiences in .in and actually blocking problematic strings and domain names and whether that would be something which would be beneficial for the ccNSO, I guess, to facilitate. We'll give everyone a few minutes to think about it.

Okay. So this is the first one where some people do agree that this would be useful and some people don't agree that we should do this. And I can see Barbara's comment here about this not being a role for the ccNSO.

Let's park that for a moment. So what we're going to do, just to reiterate, is we're going to go through these questions quite quickly and, where it's 100%, we don't need to discuss it any further. What we want to do is to tease out the three or four areas where some people in the community think one way and some people think the other way and maybe try to explore why there is divergence of opinion because that helps is in our going forward.

Okay. Question #9: create cooperations for regular audit mechanisms. And I think this was about sharing frameworks for audit. This is not for mandatory audits or anything but ... And I think, to answer, Michele, your question, the auditing was around what ccTLDs are doing well, what are not doing well, in regard to their DNS mitigation practices. So we like to see that.

Okay. Pretty split between agree, disagree, and no opinion, but disagree is the strongest one there. I think ... Well, let's park that for the moment. I can see there could be some reasons for that.

Remind all stakeholders that ccTLDs are not gTLDs. This is something that I do every day, pretty much, so ... I know I shouldn't lead the witnesses, but ...

Thanks, Michele. So we're going though these questions nice and promptly. Thank you very much for your fast fingers to absorb the question and put your replies in.

Okay. I'm ... yeah, okay. Well, 86%. I'll take that. So I think both too, from the North American experience and from the European experience, that one size does not fit all. It's something that anybody who works in any ICANN framework knows: not all registries are the same. And I think, yes, in the gTLDs, it's also the case but I think specifically in the ccTLD world because ccTLD policies ... Some small ccTLDs are essentially state agencies. They're mandated to do by the government. And others are much more open in terms of their policies. It's very different depending on the culture and custom of each country. Do they have the answers for that? Yeah. Thank you.

So next question: create a DNS Abuse Mitigation Working Group. I should say that these questions are not sort of exclusive. Just because you think we could create a DNS abuse mitigation group—that's a great acronym set up there—that doesn't exclude "consider the role for the ccTLD Ops Group." You would do probably one or the other, but they could be suggestions that you support, just to clarify.

I'm really impressed with people who can focus on answering the questions diligently and also participate in active chat. Super multi-tasking at one in the morning.

Okay. This is a popular choice. And it's about the same as #4: consider a role for the TLD-OPS Group. So that makes sense to me. Thank you.

So this is another question. So this is a question in the negative: do not focus all efforts on defining DNS. And we heard from a number of participants around how a lot of this work has already been done by other parts of the community and further splinter definitions or derivative definitions which the deviate would not be helpful with.

There's an interesting point in the chat, actually. Some ccTLDs—I know of two—do actually have a contract with ICANN, but most of us do not have any contractual basis with ICANN. We have non-binding exchanging of letters in the majority of cases or nothing.

Okay. That seems clear as well, [inaudible].

The last two questions coming out now. We heard from .be, from Kristof, around being careful in the way that you promote initiatives. Different cc's have gotten different cultures and practices and may already be doing different things. And the other aspect is that the registration policy is very different across ccTLDs. Some of them don't even use registrars.

How are we doing? Yeah, strong support there. Thank you.

Last question. Last but not least ... Actually, I was very interested in this as lawyer who has worked in regulated industries like pharmaceuticals and financial services. This is quite common and this does take us a step down towards the (dare I say) path of regulation. But even if it's a voluntary code, then to the extend that you don't comply with a voluntary code, is it voluntary? Would there be a lot of peer pressure? Would we then report on it? I think it's a really interesting suggestion.

Okay. So that's really good. 62% in support. 25% not in support. No opinion: 13%.

So I want to focus now on just ... So if we could hide #1—100%— don't think we need to discuss that any further. In fact, staff, could I ask you please to hide the rows in the spreadsheet which have more than 80% one way or the other as a first pass? Because this sort of a triage process. Where the answers are clear, we don't ... We've got, I think, an hour of time now. I don't want to focus that on teasing out why there's divergences of opinions across this.

ALEJANDRA REYNOSO: We have 35 minutes.

NICK WENBAN-SMITH: 35 minutes? Oh my God.

ALEJANDRA REYNOSO: This is a 60-minute block, not 90 minutes.

NICK WENBAN-SMITH: I thought it was 90 minutes. Oh well.

ALEJANDRA REYNOSO: Sorry.

NICK WENBAN-SMITH: That's a very helpful intervention. Okay. So we have now one, two, three, four, five, six, seven, eight, nine. So we've excluded six here. There are two of over 70. Encourage ccTLDs to participate in DAAR and do not focus all efforts on defining DNS abuse.

And there were a number of participants, a number of panelists, who spoke in favor of participation in DAAR. I'd be interested to know what they ask of the ccNSO Council in terms of what you mean by "promote participation." Is anyone prepared to speak on that? Byron or Gabe or Anil?

STEPHEN DEERHAKE: You're asking for council members?

NICK WENBAN-SMITH: Actually, Gabe, how do you think this looks? What does good look like in terms of your recommendation? Gabe, you first.

GABE ANDREWS: Okay. So it would just be to highlight the fact that it is very useful to folks to have a shared understanding of the facts. And to the extent that ccTLD operators are willing to contribute to a more shared understanding of base facts, it helps everyone within the community. And I've heard others mention that DAAR isn't the only such reporting mechanism at play. So if there are others, share information about as well. There's probably room for us outside of the ccTLD and ccNSO community to learn from that. But that's the thrust of it, if that helps to clarify, I hope.

NICK WENBAN-SMITH: That's perfect. Thanks, Gabe.

And can anyone who said that they didn't want think that we should participate in DAAR be prepared to explain that or why they would say this is not mandatory thing that they think DAAR is about?

Is that, Stephen, your hand?

STEPHEN DEERHAKE: Yeah. Thanks for staying up late. For those of us with long elephant memories, there was a period of time just after the turn of century when the relationship between the cc's and ICANN really went into the loo, so to speak. And it's a question of trust. And I think ICANN is working diligently. I give John credit for this, as well as others: to really reestablish and wipe that part of ICANN's historical relationship with cc's into the dustbin. But I think it's going to be an ongoing issue. I

mean, they're asking us to give over our zone. And that did not go down well last time. Let's put it that way. Thank you.

NICK WENBAN-SMITH: Thank you, Stephen. I think I understand there's a history there, and that's why you put that vote in.

Anil, in terms of your hand still being up, did you want to say anything specifically on these things?

ANIL JAIN: Yeah. Thank you, Nick. Basically, as far as DAAR is concerned, there are two aspects. [Joining] #1, it gives the opportunity to ccTLD managers to understand how moment of the DNS abuse mitigation work is going on, which area is getting more affected, and which are is getting less affected. So you can take corrective action in that.

Second, it also [held] because it gives a comparison of various TLDs on how the DNS abuse is happening. So it gives a motivating factor to various ccTLD managers to undertake more aggressive work to reduce DNS abuse.

I personally feel that, from the equal system, it is important that we join the DAAR revolution, what John Cain is working seriously on.

NICK WENBAN-SMITH: Thank you, thank you, thank you.

So I think we've unpacked DAAR, so we can hide that row. We've unpacked the defining—well, we haven't unpacked, but 78% for and only 11% against. So Suggestion #13—"do not focus"—let's remove from the things to discuss.

So here now we've got it down to seven of the original 15. So there were a couple here where there's disagreement—firstly, this sort of audit mechanism.

So can I hear from anybody who thinks that we should create cooperation for regular audit mechanisms?

Peter, are you speaking in support of this? The floor is yours.

PETER VAN ROSTE:

Thanks, Nick. I was going to make a remark regarding packing or unpacking #13. I think this question of definition is important. If not today, then ccNSO needs to think about it, especially since we've learned today that CEO fraud is another flavor of DNS abuse, which really adds to the confusion and needs to be clarified.

And nothing to say about the auditing. Sorry.

NICK WENBAN-SMITH:

Thanks, Peter. Comment noted.

So the audit mechanism cooperation. Is anyone prepared to speak in favor of that?

Sorry, Peter, is that a new hand or an old hand?

Anil, I think it was your suggestion, actually. So can I hear a bit more from you about how that works?

ANIL JAIN:

Thank you, Nick. Whatever audit we naturally due is the analysis, whether the actions are going as per the framework which we have defined to go ahead and whether there the results are speaking as per the desired framework and outcome which is there.

So I personally feel that DNS abuse is a very serious business which we have to work on now whether it is voluntary or it is not voluntary. But a regular audit is helping everybody in the whole ecosystem, in the whole environment, and understand and then take corrective action in the future. Yes, it is a new concept, but ... And as we progress on this and as DNS abuse is becoming a big and serious issue, I personally feel that we should take tiny steps to go ahead with this particular process to ensure that we are able to keep on reducing or controlling the DNS abuse. Thank you.

NICK WENBAN-SMITH:

Out of interest, are you subject to regular audits by your government or some other regulatory agency or some other process in .in and your ... I must not forget also the IDN ccTLDs in India.

ANIL JAIN:

Thank you, Nick. But let me tell you that no regulation or not compulsion is given by government or anybody else for .in. It is a self-

regulation which we have started. And this is the ccTLD group itself that is doing so. There is no pressure from any government. But we are able to find a result out of it. Thank you.

NICK WENBAN-SMITH: Got it. Thank you. Thank you very much. In terms of this specific question around audit mechanisms or ... I can see that there's a 43%, 20% disagree. Anybody who disagrees with that willing to take the floor and put the counterview?

Hello, Barbara. I think the floor is yours.

Anil, is your hand still up? I think it's an old hand.

Barbara?

You're on mute.

ALEJANDRA REYNOSO: Not on mute but we cannot hear you. Maybe the audio is not connected?

NICK WENBAN-SMITH: Wow.

ALEJANDRA REYNOSO: Maybe in the chat?

NICK WENBAN-SMITH: We can't hear you.

We'll just give Barbara a moment. I do want to hear her perspective on that.

The other one where there was a strong disagreement but then obviously some minority support for was this global database concept, which would be a novel thing there. So I suppose [inaudible] anybody who wants to give a bit more of a perspective around this global database.

Alejandra, is that your hand?

ALEJANDRA REYNOSO: It is my hand but on behalf of Barbara. I just put her comment in the chat. She wanted to say that the proposal is not a role for the ccNSO on the audit mechanisms. And she also said that, for the current topic, it's the global database.

NICK WENBAN-SMITH: So essentially these are out of scope for the ccNSO and therefore it's interesting—maybe nice ideas—but actually there's not very much that the ccNSO could really do with this. So my main question around the global database is, who's going to maintain and support this and set the parameters and the privacy policy? And that's going to take some investment. And I think that's going to be quite ... Yeah, I think, as Peter says, it's operational. Interesting idea, though.

And the reason why I mention it is because, within the European ccTLDs, we have discussed whether commonly phished terms in one—well, proven phishing domains—in one of the European ccTLDs would be shared privately with the other European ccTLDs on the basis on that, if it's been phished in one of us, then there might be high risk of phishing in another one. But it never got anywhere as far as I'm aware.

Okay. So can we just take out those two suggestion (8 and 9)? I think we've covered those.

ALEJANDRA REYNSOS: Nick, I think Michele has his hand up. Not sure if it's on these topics.

NICK WENBAN-SMITH: Okay. Hello, Michele. We can't see you put you've put your hand up. The floor is yours.

MICHELE NEYLON: Thanks, Nick. Just on the entire thing around the centralized database of abuse domain names, I suppose my concerns are similar to some of the ones that you had touched on. It opens up a massive can of worms around things like who maintains this, how long does a domain remain in there, and what are part of the criteria for putting in there because something that might be a problem in the U.K. might not be a problem in Italy or might be a problem in Australia. I don't see how you could consistently do that.

I mean, I think Bruce put something in the chat which made a lot more sense to me, which would be looking at things like patterns and trends. I think sharing abuse trends and insights makes sense, but some kind of global database is ... Then you're kind of looking at keywords or specific things which I don't think is particularly helpful for anybody. Thanks.

NICK WENBAN-SMITH:

I mean, there's also, then what are you supposed to do? Are we then on notice that we should be blocking these names or something? And what happens if you want to register one of those names and you want to appeal the appearance of the name and the list is a public list? Is there some transparency around it? It's a lawyer's field day. I mean, I should be supportive of it, but ...

Anil, you've had your hand up a little bit. Is that an old hand or a new hand? Do you want to speak briefly on these?

ANIL JAIN:

Yeah. Regarding the global database, basically, as we have discussed that, the boundaries between ccTLDs or gTLDs are not there. Even the people who are operating or the bad guys who are operating are not looking at the geographical boundaries. They are looking at the global level. So if somebody is a bad guy in one corner of the globe, he's a bad guy in another corner of the globe.

So like we [have built up in] Interpol [a] listing all the criminals at the global level and they're sharing the information between the [law

enforcement] agencies and the police between various countries. It is helping to contain those things.

So I think a discussion is required at this level to understand whether the global database creation of this kind of bad domains and the people who are behind these particular acts will be useful. And then, if they're useful, the queries which have been asked is how long the database should be maintained, and who should maintain it? What can be shared, and what cannot be shared, yes, can be discussed. It's a question of how to discuss and how to make the rules and framework and who will share and who is authorized to share and all those things. They can be taken up [inaudible].

NICK WENBAN-SMITH: Thanks, Anil.

Jim?

JIM GALVIN: Thanks, Nick. Speaking for myself, I wanted to offer one thing to think about in favor of something like a global database of SLDs. One of the things that can be seen when you're looking across TLDs is that a second-level name will sometimes move from one TLD to another because a particular bad guy has a reason why they might like that particular name. Maybe it's part of some control system that they have or other kind of things, and if they can't have their name in one TLD, they'll just move it to another one. And there's a lot of reasons why that could be valuable to them from a security point of view.

So it's something to think about. It's a specific mechanism which serves a particular purpose. And that may or may not be interesting in the large, but I didn't want to lose track of the fact that a global database does have potential value, properly defined and properly constrained. Thanks.

NICK WENBAN-SMITH: Thank you. I've actually heard the same suggestion, I think, from the IWF specifically around child abuse and second-level domains where they do see some cross-transfer. I potentially got a brand in one TLD, it gets shut down, and they transfer it to somewhere else. So I know it has support from people I know and respect in the community.

JIM GALVIN: Right. They're calling it TLD hopping. They've got a particular thing they're doing. They're calling it TLD hopping and they're trying to build a service around letting people know about names that do this. So, yeah, they're an excellent, specific example of what I'm talking about.

NICK WENBAN-SMITH: Thank you. That's really helpful. And I knew I had heard of it. Great.

Can we move 8 and 9 from the spreadsheet? So I think we've talked about those a bit. So I think that we can also remove 4 because I think it's largely the same as 12. And I think it was clarified in the question that actually the TLD-OPS wouldn't have it within their scope and they'd be looking for a similar type of thing. And let's call that similar

type thing the DNS Abuse Mitigation Working Group, for lack of an alternative working title. So this had quite a high degree of support.

I would be interested from people who've participated in the poll who were in the 17% disagree category here to try to understand that perspective if that's possible.

Anil?

ANIL JAIN:

Thank you, Nick. In various working groups, we are talking about how to measure DNS abuse, what are the technologies which are available. But, yes, there is less discussion about the mitigation. And if we are able to discuss the procedures about the mitigation, the technologies that are available, and then, if you are also able to see the results which are coming by one activity or one action of mitigation, which can be shared with other ccNSO members, I think it is important. So a focused approach and focused discussion on the DNS mitigation is required.

So I fully support that there should be a separate working group to undertake this, and we should monitor the results on a regular basis.

NICK WENBAN-SMITH:

Brilliant. Thank you. And I think that would put you in the 75% of people. The majority of people in the poll did agree with that view. So thanks. And I can understand that.

Because some people didn't agree with that, I was wondering whether anybody would volunteer the contrary view.

Pierre? Bonsoir.

PIERRE BONIS:

Bonsoir, Nick. Very quickly, we said it in the chat: I'm very much in favor of creating a DNA Abuse Mitigation Working Group and very much not in favor of putting this kind of work on the TLD-OPS group just because we tried to explain to some public authorities that abuse mitigation is not the same thing as security work. So if you put that in the same flag, we shall not be coherent with what we say normally, which is that cybersecurity has not anything to do, in a way, with abuse mitigation and cybercrime. That was all.

And as the two of them were in the same sentence, I was confused.

NICK WENBAN-SMITH:

Thank you for clarifying that. I think, if I heard you correct, you are in favor then of a new working group creation along the lines specifically to help have a dedicated forum within the ccNSO for discussions about DNS abuse mitigation.

PIERRE BONIS:

[inaudible].

NICK WENBAN-SMITH:

Thank you.

Okay. I think, unless there's anything further to be said on that working group, we can remove that from the spreadsheet or hide the row.

So we're left with three. And I think all of these have more or less two-thirds support.

And the strongest one which has disagreement was this thing about code of conduct. So it's 25% of participants, which quite a high minority, who disagreed with this suggestion that there should be, as I understood it, a voluntary code of conduct of ccTLDs to follow.

I can see two hands up: Pierre and Michele. And I'm assuming they're in the 25% who disagreed with this. Michele, would you like to speak on that?

MICHELE NEYLON:

Thanks, Nick. Yeah. I think the problem here is it's a matter of choice. It's a matter of language. Looking at the voluntary frameworks is fine. I suspect a lot of people would be in favor of that. But when you start getting into the world of a voluntary code of conduct, then you're no longer in the world of voluntary action. You're now putting yourself in to a space where you are ending up being regulated. And that then goes to the one-size-fits-all. You end up with disparities. While it may be a good idea at a very, very high level, I think, at a practical level, it could cause a lot of tension.

NICK WENBAN-SMITH:

Thank you. I suppose there's codes of conduct and codes of conduct, right? The devil would be in the details of it. But it's a really interesting and novel suggestion.

Pierre?

PIERRE BONIS:

I was surprised to see so high a number of agreement to a voluntary code of conduct for ccTLDs on that matter because what I think is, if you just want to cover most of the situation and the differences even between ccTLDs, the code of conduct will be issued in maybe 25 years. And if we want to go quickly, it's going to be a kind of soft law. And those who want to put pressure on ccTLDs will say, "Yes, but you have this code of conduct, so we have to be it in the law or we have to put pressure on you for you to comply with that." So I'm not very sure that a voluntary code of conduct says voluntary very long.

NICK WENBAN-SMITH:

Yeah, it's a pretty interesting suggestion. I think, just for everybody's benefit, one of the things the ccNSO Council does is that we have a process of prioritization—that would be calling it too strong—but we do look at suggestions around effort and impact. And creation of a code, even if it were to be voluntary, I can see would have a considerable amount of work involved. And if it's a voluntary code, then what was the point? So that's something, I guess, on my mind.

Hiro, I don't think we've heard from you this ... I guess it's your morning. The floor is yours, Hiro.

HIRO HOTTA: Thank you. I have the same kind of sentiment as Pierre. I have concerns on this because a code of conduct is considered or thought to be justice by certain parties and can be a tool to blame entities that don't follow it, even if it's voluntary. Thanks.

NICK WENBAN-SMITH: Thanks. I think those are certainly a very valid and thoughtful points.

There's a broader question. If we're talking about voluntary codes of conduct—and I think Bruce kindly pointed this out in the chat; Suggestion #6 around other voluntary frameworks which are developed by the community, which would tend to be supported or considered or discussed by the ccNSO Council—that had the same degree of support, a higher level of no opinion, and only 15% disagree with the consideration of that.

I suppose I'm also interested in the disagree, the 15% in the poll who disagree that we should join some of the other voluntary community frameworks which have been established. I wondered whether we should tease that out a bit. I suppose I'm looking particularly towards the other communities who've developed these frameworks and put the time and effort in. This is your opportunity to pitch good examples of which of those we should be considering/supporting.

No? Okay.

I think the final one we haven't really discussed is this one about managing expectations. And I guess there was a very small 7% who disagreed with that. And I think it comes back into a lot of the work of

the ccNSO which I've historically been involved with, which is around education just generally, just talking about ... Because one framework recognized in one jurisdiction doesn't mean [inaudible] in other jurisdictions. The registry policies, whether it's dispute resolution or WHOIS access, will be different in different ccTLDs because that's the nature of ccTLDs.

Byron, I see you have your hand up. And thank you for that. So the floor is yours.

BYRON HOLLAND: My hand is actually from the prior question. Can I still make a comment?

NICK WENBAN-SMITH: Yeah, of course. This is the ccNSO. We play nice.

BYRON HOLLAND: Just because obviously the voluntary code of conduct idea took a bit of a beating in the last little bit ... And I don't have the same allergy to voluntary code of conduct that some of the other speakers or people in the chat have. But there was general agreement that best practices would be good to know and share. And if you go through the time and the effort to actually create or do the work behind developing best practices, there is a bit of a "to what end?" It is just a list on a wall somewhere or do we actually do something about it? And that's where the voluntary code of conduct comes from: if we know what the best practices are, then should we hold ourselves to try to be accountable to

those best practices? And when I say “ourselves,” I don’t mean as a collectivity. I mean, if these are not best practices, why would .ca not try to adhere to those best practices? And thus I don’t share that allergy to a code of conduct.

Roelof hasn’t spoken, and I’m not going to speak for Roelof, but I think he raised a very good point in the chat, which is, over the fullness of time, or industry ... There’s a reasonable likelihood that we will get more and more attention for government. And governments impose when they’re not happy with the self-regulation of an industry. And having a good and robust environment where you’re accountable to your end users—in our case, it’s the cc’s who would be our citizens or however we define our nexus—is not a bad defensive posture to be in either. That wasn’t how I was approaching it, but I think it’s certainly a very worthy point. I approach it from, “We should know what the best practices are. We should want to hold ourselves to account for that. And it’s voluntary in the end.”

So that’s how I approached it and that’s why I threw it out there for conversation.

NICK WENBAN-SMITH:

I think it’s a really great discussion point and it’s a really interesting one. And I definitely think it’s been a very helpful discussion.

I guess sometimes codes of conduct are hard to change and are slow moving, whereas I think DNS abuse is fast moving and best practices, more for copying somebody else’s great ideas, right? Plagiarism is

brilliant when it comes to that sort of effort. And let's not reinvent wheels that other people have taken time and care for. That's great as well and I totally support all of that. I suppose it's how granular would your code of conduct be? Would you expect it to pass all new registrations for problematic terms? Are you supposed to block terms? Its best practice to block it for five years or ten years? Everybody does it slightly differently, right?

Anyway, Roelof, I see you have your hand up. We have four minutes, so it's coming really nicely to fill the time available. Roelof?

ROELOF MEIJER:

Thank you, Nick. And thank you, Byron, for voicing my comment in the chat. Yeah, I think there are already a few examples of this. We were one of the first registries to get certified with ISO 2700 and now NIS2, which is an obligation for us. And I think the NIS2 and the [SI] directives also show that, if there's a sector we move too slowly in, the legislators will pass us by and they will come up with legislation that we end up protesting against because it's too rough, too wide, and it, in the end, it lacks a lot of effect and takes a lot of time and money to implement it. So I think, in the end, we will be better off if we take a bit more responsibility and try to do as much as we can also in this area of DNS abuse mitigation.

NICK WENBAN-SMITH:

I couldn't agree with you more, and I think a lot of us were kind of bitten a bit with NIS regulations. It was, just to clarify for everybody's benefit,

nationally implemented. So even though it's one directive across the EU, including the UK as a former EU member at the time, the rules actually in practice varied quite a lot depending on how your government implemented it.

Pierre, have you got a different view?

Roelof, your hand is still up—

PIERRE BONIS:

Just to make sure there is no ambiguity with my position to this code of conduct, it's not that I think that we don't have to do anything. And I fully agree with what Roelof said about the fact that, if we don't take action, at the end of the day, the governments are going to take action for us. And that will be in their role, by the way. This is their job. If we are not responsible, it's to impose on us regulations.

The only thing is that I'm not sure that a code of conduct discussed at the global level (because of the ccNSO is a global level) would be the fastest and the quickest and most efficient way to achieve the responsibility in each and every ccTLD.

So I would not the debate to be between those who don't want to do anything and those who want to do something. I think this is not in these terms that we can discuss statement.

NICK WENBAN-SMITH:

I think, actually, that's a really great final comment, and I couldn't have put it any more articulately around that, yeah, there's all these great

frameworks and stuff. But, frankly, a lot of the leading ccTLDs would be embarrassed by how flimsy they are when it comes to practice. And we do a lot more than that anyway because we think it's the right thing to do for our community. So what's the point? And I think that point was really nicely made. Thank you, Pierre, for that.

And I think that's the end of time. Roelof, I don't know if you wanted to say anything more of if that's an old hand, but I think I'm going to call the session to an end and hand it back to Alejandra.

ROELOF MEIJER: Sorry. Old hand.

NICK WENBAN-SMITH: Okay. Brilliant. Thank you, everybody. That was an amazing session. I hope it worked okay and was sufficiently dynamic and interactive as we intended. But it was a great set of inputs to take away. Thank you very much.

Alejandra?

ALEJANDRA REYNOSO: Thank you very much, Nick. Thank you very much, everyone for participating.

I just want to tell you our next steps. And it is that this will go to council for discussion, and we will, as a council, not take any decisions. We will think of the next steps forward, and when we have something prepared,

we will come back to you, the community, to gather your feedback on if those next steps are the things that you were expecting. So please stay tuned and be ready for that webinar coming up.

Thank you, all. Have a great rest of the day or night.

[END OF TRANSCRIPTION]