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ICANN73 | Virtual Community Forum - Joint Meeting: ICANN Board and CPH
Tuesday, March 8, 2022 - 12:30 to 14:00 AST

WENDY PROFIT: And we are at the start time so we will continue to promote board members, if there's anyone who hasn't joined the room yet. I'm going to at this point turn it over to my colleague Aaron Jimenez to do the welcome remarks and housekeeping notes.

Thank you, Aaron.

Recording in progress.

AARON JIMENEZ: Hello, my name is Aaron Jimenez. Welcome to the joint session with the ICANN Board and the Contracted Party House.

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With that, I will hand it over to ICANN Board Chair, Maarten Botterman.

MAARTEN BOTTERMAN: Thank you, Aaron. And thank you all for being here with us. Welcome to this interaction between the Contracted Party House and the Board.

I consider this really is truly an opportunity for us to engage with the community in open dialogue, and these dialogues are really important for us to offer ground for other exchanges than just the formal exchanges, particularly so in a time where we don't run into each other in corridors of different meetings, be it ICANN, IGF, or other -- other kinds.

So really looking forward to this discussion to be open, to be on the point, and to explore together how we can improve delivery together on the mission of ICANN. There's always an opportunity for doing things better, and we're very open to hear your ideas about this and look forward to also engage with you on your questions.

Now, for this session, I would like to ask Becky to facilitate it on the Board side and further welcome the CPH and help moderate the session.

Thank you.

BECKY BURR: Thank you, Maarten.

Greetings, everybody. Welcome to constituency day. This is I think the Board's third session of the day. It's always a highlight to meet with the contracted parties. And we have received your questions, and we are very much looking forward to this exchange.

We have noted in the past that we were trying to identify ways to make our exchanges more effective than they had been. And I think we have continued throughout the pandemic, perhaps -- I don't know. I certainly wouldn't have expected it, but these video calls, discussions have, in fact, felt more open, more interactive than before. So one of the things that the Board is thinking about very carefully as we head back into face-to-face hybrid meetings is how to make sure that we continue to maintain this open line of communication and enhance it going forward.

So very much looking forward to our conversation. And Ashley and Sam, I'll turn it over to you for some opening words.

ASHLEY HEINEMAN: Thank you, Becky.   This is Ashley, chair of the Registrar Stakeholder Group. Again, yes, we're very, you know, thankful to have these opportunities and do appreciate the efforts made to make them more productive in the sense that we are engaging back and forth. And I look forward to today's conversation.

So thank you.

SAM DEMETRIOU: Hi. This is Sam Demetriou, the chair of the registries. Just a big plus one to what Ashley said. We're definitely looking forward to an open exchange and hopefully a lot of -- a good dialogue.

I'll just make a note in response to something in the chat for anyone who wasn't able to see that. Even though we are in the webinar setting room, Zoom room right now, the CPH members who are attendees but have not yet been promoted to panelists will still have the ability to put their hand up and either ask questions or get in the queue. So I just wanted to make that clear for folks. You will be able to partake in the conversation.

So I think with that, we can dig in.

BECKY BURR: Great. Excellent. Thank you.

I just want to say we're very lucky that we're having this conversation today because Maarten has pointed out that tomorrow is national limerick day, or international limerick day, I have no idea, and I think he's threatened to change the script to a limerick for tomorrow. So, Maarten, I'm giving you that challenge.

MAARTEN BOTTERMAN: Only for board members, Becky. (Laughing).

BECKY BURR: Oh, only for board members (laughing). Okay. Well, that might be worth it, actually.

We have the questions that the Contracted Party House has raised, the first one being -- seeking Board thoughts on the European Commission study on DNS abuse, what we think of it, whether the Board plans to respond to the study in any way. And to kick this off, I'm going to ask Sarah and Jim, who are the co-chairs of the Board Abuse Caucus, DNS Abuse Caucus, to provide some preliminary remarks, and then we'll move into discussion.

JIM GALVIN: So thank you, Becky. I will jump in first and say thank you for the question. I know that the EC study on DNS abuse is a hot topic, certainly in this community and the CPH and generally in the ICANN community. It has certainly struck a chord.

So from the Board's point of view, I think it's important to point out that this report was commissioned by the European Commission, and it had a relatively broad scope on looking at DNS abuse quite generally. And in fact they established for themselves in the beginning of the report a very broad view of what they thought DNS abuse was. And so then they went about, you know, studying everything that fit into that definition.

However, even though that report is there, and part of the question here is asking what is the Board going to do with it, it's important to point out that, you know, while the Board is aware of it, we do still condition to believe that it really is up to the community to decide what it wants to do with this report. The community is the one that has to consider what of this report fits into the currently narrow remit that even that report happened to suggest that ICANN has in the DNS abuse space, and what else they might want to take on board from that report.

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You know, certainly we know that there's a lot of discussions going on in the community now, especially in CPH, about what obligations, if any, might be attractive or considered coming out of this report, and we certainly welcome that continuing discussion. The Board does not have a particular position on where those things go and where that discussion is.

We certainly do support, you know, some of the ideas that were there, especially those that align with where we currently are in terms of recognizing our existing remit and what we do, and we look forward to the community continuing to talk about what else it wants to do with what else is in that report.

With respect to the question whether the Board will respond to the study, the Board will not respond to that study. It is really something that the European Commission commissioned, as I said when I opened. And it's up to them. It's up to the community to decide what it would like to do with that report and where to go with it and use it in an informed way. Thank you.

BECKY BURR: Thanks.

Sarah, do you have anything you want to add?

SARAH DEUTSCH: Thanks, Becky. And thanks, Jim.

I just would say, if Jim didn't mention it, we do have a DNS abuse caucus within the Board which basically is comprised of most of the Board members. So we certainly have looked at the study and are talking about it.

I would flag for this group, as we have for other parts of the community, that at least in my experience it is something to take seriously because often when you see a study, it's a precursor to legislation or regulation.

But obviously as Jim said, only a small subset of what's in that report falls into ICANN's remit. So as the Board caucus group, we're going to be coming to a shared understanding about a definition of DNS abuse. And at least at the Board level, we'll be talking about, you know, possible solutions that we may seek for addressing DNS abuse within that narrow remit. But the work itself will fall to the community and the Board, you know, largely plays an oversight role.

So that's all I would add to Jim's point. Thanks.

BECKY BURR: Thanks. Donna, please, go ahead.

DONNA AUSTIN: Thanks, Becky. Donna Austin.

Sarah, you just said that the Board will come to a common understanding of what they mean by DNS abuse or the caucus group. Can you provide some context as to what you use that definition for and any other information you'd like to share about that conversation? Thanks.

SARAH DEUTSCH: Yeah. I mean, just like other parts of the community, we talk about DNS abuse, but we all talk past each other. We all mean different things. So at least when we're talking about at the Board level, we're going to try as an exercise for our common understanding to try to figure out, you know, what are some of the terms that the community has already decided are DNS abuses. Is anything missing from those terms? What's excluded? And obviously, you know, issues like content and other issues that fall outside the remit of the bylaws would not be included.

So, I mean, as a preliminary step -- and you will see it in our Board priorities -- we are going to be creating a matrix which will describe DNS abuse.

But the first step is really to come to a common understanding. And the discussion we're having is probably one that the community has to have as well.

So just to make clear that we're not coming down with some top-down definition, we're doing this for our own purposes as the Board.

I hope that helps.

DONNA AUSTIN: Thanks.

BECKY BURR: Thanks, Sarah. And obviously what is within and what is not within ICANN's mission, as Sarah pointed out, is a critical aspect of that.

Ashley, please go ahead.

ASHLEY HEINEMAN: Thank you, Becky. And also thanks for the response to our question.

So from the perspective of CPH, we have been discussing this report. We've had quite a bit of time now to let it sink in a bit.

And just wanted to give you some perspective as to what our thoughts are in that we think there's a lot of interesting information in this report, a lot of detail that we're looking at. But we did want to note that we do have concerns with their definition. We think it is absolutely overly broad, that anything basically on the Internet will be included in that definition. And unfortunately we think it detracts from a lot of the good that is in that report.

While we do appreciate that the report recognizes the different players involved, which is good, recognizing that there is more than registries and registrars in this ecosystem as it pertains to the definition that they provided, we think it's an unfortunate detractor, the definition, particularly since the definitions that we work very hard on as a community were set to the side.

But with that, I think what is a good take-away is -- and to let you all know -- is that we fully intend as CPH to continue our DNS

abuse work and we intend to do so within ICANN. We think it's very important that we recognize ICANN as the body responsible for DNS abuse, at least in the context of how we define it.

And we also do not plan at this time to respond. We are hoping to engage with the folks involved in the study to give us a little bit more detail to determine whether or not it's in our interest to respond directly to the report.

But overall, it's an interesting input. We have some concerns with it. And we're going to leave it at that for the time being. So thank you for the input, and we appreciate it.

BECKY BURR: Thank you, Ashley.

Any other comments? I did see some comments in the chat from Rubens and others regarding some perceived flaws in the methodology. Obviously, those are all interesting to us.

But I think that, as Ashley said, ICANN is the place to resolve those issues related to DNS abuse that are within its remit; and we need to make sure that narrative is clear and reasserted.

Maarten, please go ahead.

MAARTEN BOTTERMAN: Yeah, just to add to -- very much agree with that and ultimately the only place where we can really do something is where it's within our mandate. However, we need to be very conscious that there's a world out there looking at what we're doing. And rather than, first, limit what we need to focus on, I think it's good to look a little bit broader and then zoom in.

This also demonstrates that we actually engage with it and make very crisp, clear where measures may be needed but not by us. The thing is, the report by the European Commission for me shows, like, okay, they think we're not going fast enough or why do they do this at this time. And I would love to prevent governments from feeling the need to step in even heavier by making clear that we step up, not only in exploratory ways but also in getting things done.

BECKY BURR: Great. Thank you. Sam, please go ahead.

SAM DEMETRIOU: Yeah, thanks so much for that, Maarten. I think you've laid it out very well. And I think that also -- you know, one of the conversation -- or one of the topics for today's meeting has to do with priorities. And Ashley mentioned this very well. And I want

to just echo that, like, on both sides of the contracted parties house, we're looking forward to continuing the work we can do within the ICANN community, right, and moving things forward as expeditiously as we can because we do understand -- we do feel that, you know, the gaze of the outside world on the work that we're doing. And we do think there is still a lot more that can be done within ICANN's remit, within this community by registries and registrars, while also recognizing that there are other players in the ecosystem. And, you know, not every problem may be able to be solved within the ICANN community, but there is certainly plenty that we can do. And then there is also opportunity to explore outside of the ICANN community.

And, you know, I think we're also pretty keenly aware of the need for, like, data-driven conversations. So I think that's more places where we can continue to work with ICANN Org on producing information for the world at-large, right, to really track what the progress and what the situation is.

GÖRAN MARBY: You mean my new background?

UNIDENTIFIED: I heard a rumor about this new background.

GÖRAN MARBY: I'm going to look at something. Give me a second. Do something else because otherwise, I will get nervous and won't find it. So bear with me.

WENDY PROFIT: Just a reminder, for the interpreters if you could please speak at a slower pace so that they can keep up with you. Thank you.

BECKY BURR: Thank you, Wendy. A good reminder. As the saying goes, a picture is worth a thousand words.

So when Göran gets that picture up there he is. And if you -- Göran, if you --

GÖRAN MARBY: Yeah. I mean, just to mention what it is. So one of the things would be the EC report -- it's not an EC report. They keep telling me it is a study commissioned by the European Commission and they don't take any responsibility for its concept. But if you use the same methodology, they're actually using, to some extent, DAAR -- the same science as DAAR. And we decided that why not we look at the DNS abuse, because if you look at it at one specific

point in time, you will always get a result. And then you can find the point in time that sort of promotes your opinion.

So we did a -- we can share this. We are going to share it in a broader -- so we actually looked into new G's legacy since the inception of GDPR. And where it is right now. And it's interesting in that stats -- remember, this is more or less the same science that they used inside the -- inside the commission study by the EC. And it shows that, you know -- this shows there is a problem, which both you, Ashley, and Sam has talked about. But it gives us a slightly different picture about the development on DNS. And I think it would be very interesting to hear why we see this be trend. Has people gone to platforms, for instance, and therefore, the perpetrators are going to chase them on platforms, et cetera, et cetera. Has the decision within the ICANN community over the last two years made an impact on how contracted parties and others are interacting on the concept of DNS abuse, et cetera, et cetera.

So I think there's a lot of conversation we hold. And I agree with Jim. Data is something -- you know that we are trying to do this as impartial as we can, neutral as we can, and you can repeat all our results in this one, but it became -- maybe it's because I have a bad sense of humor. I thought it was an interesting background.

BECKY BURR: Jim, please go ahead.

JIM GALVIN: Thanks, Becky. And just to build on what Göran was saying, I didn't actually say it in this particular forum, but I have said it in other forums. And Göran commented on, you know, data and the importance of data. It is an important distinction to make or something to consider and for the community is, where are the facts and what are the facts. There's a step that people make in looking at facts and evaluating them differently and jumping to interesting conclusions based on what they think they see. You know, ICANN Org with DAAR, with the chart that Göran was just showing which will appear soon and be more widely released, and also the DNSTICR work and other things that are there, ICANN really is trying to create and be just a trusted source of actual data. I know that CPH has been working quite collaboratively with Org in how that data is presented and what it looks like. And we certainly need that to continue. And we need to focus our efforts on building the right dataset that allows us to come to conclusions that better serve all of us, our shared agreement which we hope to get to with respect to DNS abuse and thus can drive what we do in terms of what's in ICANN's remit and what's not. So thank you.

BECKY BURR: Thanks, Jim. And I think that's a good reminder. Yes, Göran.

GÖRAN MARBY: Sorry. I forgot to mention something. This is -- so DNSTICR, which we all worked very closely on which I think has been a success in the cooperation between us fighting abuse when it's related to COVID. Just so you know, we're adding strength in relationship to the war in Ukraine where we're also putting in certain strings in Ukrainian -- other languages to see if we can find things. Because I think we all get reports about bad behaviors in that area right now. JC, we can reach out to you soon as well. As you can imagine, we're doing a lot of things in real time right now. So I just want to mention that. And I think the DNSTICR is something which the joint team can be proud of. Thank you.

BECKY BURR: Thanks, Göran. And just to round this off, during the Board workshop this weekend we -- when we talked about this a lot and I think although we're -- we're noting that facts are not always dominating this conversation, ICANN does want to provide leadership and is providing leadership by trying to get facts into the water tank, but we will continue to do that.

I don't see any other hands, so maybe we should turn to the next question, which relates to the Board's priorities and what we've heard from other community groups in our conversations today and yesterday.

I'm going to ask Matthew Shears, who chairs both the strategic planning committee and the prioritization working group to provide the first response to this.

MAARTEN BOTTERMAN: If you would allow me, just pointing out the priorities, there's two kinds that the Board has been communicating about, and one is the priorities that Matthew will talk about which is really like the work to be done. The other one is the operational priorities which is more about so next to the work we do with the community in support of the community, what do we think will help make things better towards the future? And on that, no doubt Leon will be able to help more.

BECKY BURR: Thanks, Maarten. Matthew, are you around?

MATTHEW SHEARS: Yep, I'm here. Can you hear me? Yes. Okay. Good. Thanks, Becky. Thanks, Maarten. Yes. So over the past two workshops,

we have -- I'm going to talk about a couple of things related to prioritization and turn it over to Leon. Over the past two workshops we've been going through a process of prioritizing the Board's work. And this, as with any prioritization process, has been a fascinating learning experience. It's brought home to us, just as the rest of the community knows, the amount of work that we all, community, Org, and Board, have to deal with. And it's been a really useful exercise in terms of trying to understand where are resources, where the Board's resources will be deployed. We expect to have that probably finalized in the next month, and certainly we'll hopefully be able to share it at ICANN73 or shortly after ICANN73. And we are also in the -- before I turn it over to Leon, we also have been quite interested in and following quite closely the work that's been going on the pilot on prioritization that's about to kick off. We will -- the Board will be observing that process. It will be very interesting to see how it flows and how the community works together to prioritize the work that has been approved and adopted and how that's taken forward and what kind of learnings we'll take out from that process. And that will be applied for the -- the full prioritization framework that's going to be developed, which the first iteration was published by Org I think about three for four days ago.

So we've been going through our own prioritization processes and at the same time we'll be watching with great interest the

developments that Org is leading in terms of the pilot and the actual framework and it's v1 version that we've just seen.

So that's the kind of just broadly the kind of work we've been doing and watching. And maybe turn it over to Leon just to cover our operational priorities.

LEON SANCHEZ: Thank you very much, Matthew. This is Leon. Well, as Maarten was saying, the operational priorities have different kind of priorities that help us focus on the work we do to make it more efficiently and to have a better role as a Board. And we have divided these focus topics or focus -- yeah, focus topics on five key areas of responsibilities. We called those blocks, and the first block has to do with oversight over policy development and cross-community initiatives. And to give you an example of one of those -- or of an operational priority that falls under that umbrella, you might remember the global public interest toolkit that has been published and the work that Avri was -- has been performing in regard to that toolkit. That is one of the operational priorities that falls under this -- under this first block.

For this year, for fiscal year '22, we have added DNS abuse matrix that will, of course, as Sarah and other of my colleagues have been discussing before, will guide the Board into -- into setting up

definitions and other common understanding within the Board as to what we have in front of us to deal with DNS abuse.

The second block deals with ICANN Org oversight activities, and Danko will be sharing some activities under this block. And we are looking into how to optimize ICANN Org's reporting to the ICANN Board. So we will be looking at it and, of course, we try -- we will try to improve the way that ICANN Org is reporting to the Board. And hopefully lessen the burden or the workload on Org and make it more efficient towards reporting to the Board.

The block three deals with strategy and forward-thinking activities. You might remember the effort that Matthew and Mandla have been shepherding into evolving the multistakeholder model and trying to make it more efficient. So this is, of course, something that will continue. This is something that it's been carried out for some past fiscal years and my colleagues will continue to build on that effort.

We are also incorporating some topics regarding -- in regard to ATRT 3 and how to, of course, build them into this evolution of the multistakeholder model.

The block four deals with governance and fiduciary responsibilities. And in this regard, we want to try to better

understand different recommendations from ATRT 3. Avri will be working on this topic and, of course, we will be reporting back to the community once we have some progress.

And block five is the final block, deals with community engagement and external relationships. And on this end we have some different priorities. One of them is led by myself and it focuses on how we can improve online, hybrid, and in-person meetings. So we will be developing some decision tool for the Board, to help us take better positions, more informed decisions on how and whether we will be holding different kinds of meetings and how to improve these meetings.

We have other operational priorities under this block. We have also IDNs, and universal acceptance related operational priority, which is shepherded by Akinori, and also one that has been a continued effort on anti-harassment that is led by Sarah Deutsche.

So this is a bird's-eye view on -- of what we sent her in regard to operational priorities, and we -- as we usually do, we will be reporting back to the community on any progress that we make on a regular basis. Usually we do these on every ICANN public meeting. This time has been an exception. But we look forward to updating you on the progress of these operational priorities in

BECKY BURR: Do we have questions on any of this from the members of the contracted party house? I'm not seeing any hands here. We've dazzled you with our operational priorities, but I think the bottom line is, we have operational priorities but in many ways our priorities are fundamentally driven by the community. And we are very much looking forward to the outcomes of the prioritization pilot that is underway as well.

Not seeing any hands, shall we move on to question three, which is -- oh, Sam, go ahead, please.

SAM DEMETRIOU: Thanks, Becky. And I don't mean to pull you off the flow, so apologies for that. I did just -- I want to offer -- I know the Board had asked us for our priorities as well. And so, if you want, if this is a good time for that, we'd be more than happy to walk through those.

BECKY BURR: Sure, that's great.

SAM DEMETRIOU: Okay. And I think we had planned that Ashley is going to go first, and then we'll kick it over and that we'll go through them individually. But we'll pause after each item, and if any of the board members have either any questions or commentary to follow up on, obviously, please just pop your hand up and we'll make sure to watch for those and respond as we go through.

ASHLEY HEINEMAN: Hello, again. Ashley here from the Registrar Stakeholder Group. And yes, I will do just high-level point-by-point from the registrar perspective, which probably is not a surprise. But the transfer policy EPDP is of extreme importance to us. It is critical and core to our operations. And I would like just to note that this work is actually going very well and is above schedule, and hopefully we will see other groups operate this way as well. But it is of great importance to us.

Some of the other issues are those that have been going on for quite some time. We would like to see some closure around these issues. That includes the IRT on the initial EPDP regarding registration data. Also figuring out how best to proceed with the SSAD and another is dealing with the accuracy scoping team and specific to this one, a little bit of concern that this group seems to be struggling a bit with defining the status quo of data accuracy,

which at least at face value doesn't seem very difficult but is proving to be so.

Another item that is of importance to us in seeing some resolution is the data protection agreement negotiations that are ongoing with ICANN.

So we very much look forward to focusing our time and attention on these issues and hoping to get them to resolution as well.

And I will stop and let Sam go because there is quite a bit of overlap, and I'm sure she will plus-one some things and add some areas that we are also keenly interested in as well.

Over to you, Sam.

SAM DEMETRIOU: Thanks very much for that Ashley. Yeah, there are definitely areas of overlap between our stakeholder groups, which should come as no surprise, right? There are a number of things we have been working on with the registrars.

And so the way the Registry Stakeholder Group thought about our priorities for this year, we similarly kind of divided them into different buckets or different kind of topic areas. So the first is

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priorities for our own stakeholder group work. And as I mentioned a bit when we were discussing the European Commission study, the kind of main priority in that vein is to continue the work that we've been doing on DNS abuse and DNS abuse mitigation strategies and education. So that really involves a lot -- continuing to reach out to and collaborate with other parts of the ICANN community so that we can make sure that the things we are spending our time on also address the concerns that other community groups have as it pertains to DNS abuse. And again, within the remit of what we, as registries, are able to address. So in that category, that's really the main driver.

The second -- and this is where there's a lot of overlap with the items Ashley had mentioned. It's our priorities for the work that we are engaging in with our colleagues in the registrars and with ICANN org. So the items under there are finalizing the amendments related to the RDAP Service Level Agreements, the amendments to the Registry Agreement, and then also in the course of that work finalizing the amendment on the bulk registration data access specification that will allow ICANN to map registrar-level data into the DAAR project. So I think, you know, the chart and seeing statistics is timely, right?

Making sure that we get that done and that we're able to execute the amendment process, we're hoping -- very much hoping to get

that done this year. We understand it's a priority for other parts of the ICANN community as well. It's a priority for us.

And then also, Ashley already mentioned reaching some resolution on the data processing terms between ICANN and contracted parties.

And then the last topic or last category, I should say, of priorities for the Registry Stakeholder Group are priorities for ICANN community work. These are things that we're supporting and contributing but it involves work from across the ICANN community. And so the priorities in this area are for the community representatives' group to identify the members who are going to stand on the IRP omnibus standing panel, you know, making sure that that process gets under way and, you know, progress is made in terms of staffing the standing panel. The registration data policy IRT that Ashley mentioned -- right? -- making sure that that IRT gets its policy document at least out for public comment this year so that that work starts to move towards conclusion. And then the final one is, you know, making sure that ICANN completes the Operational Design Phase for new gTLD Subsequent Procedures in a timely manner and meets all the milestones so we can avoid any further delays to a future launch of new gTLD applications.

So those are our kind of bucket category areas and the individual items underneath. And we have other folks from the Registry Stakeholder Group who are -- and the Registrar Stakeholder Group who are on point for those topics if the Board, if you guys have any questions or follow-up on any of the kind of the laundry list we just laid out for you.

BECKY BURR: Well, it's a long list. We all have long lists of priorities. That's part of the problem and part of the prioritization exercise.

And also, just to add into this, I think, you know, we know that the prioritization tool is just a tool. It is not the solution to a problem. It is -- it is a tool to help us get there, but it's not a -- you know, it's not going to change the world. And we are looking and thinking carefully about our contributions here and what we can be doing to help things move along.

We're also thinking about processes that may make implementation more complicated than is ideal. So I think along with the prioritization framework and the articulation of priorities both within, you know, individual groups and then across the community as a whole, we have to be open to identifying process issues that may -- may create inefficiencies. Opportunities for re-litigation of issues we think is a problem that we see often.

So I'm not seeing any hands on this question. Questions from the Board on any of these priorities?

As you were going through it, I noticed not only is overlap between the registries and the registrars but there's obviously overlap in terms of the Board's priorities as well. So good to see we're on the -- approaching the same page.

Maarten, please go ahead.

MAARTEN BOTTERMAN: Yeah, no. Appreciate it and recognize the priorities you set to be very relevant to you, indeed.

But also, between the Board's priorities and your priorities, obviously it's important to organize this well within the GNSO. So that from the GNSO -- I mean, the more concrete you can get on consensus policies, the easier it is to move toward implementation. And anything we can do to help make that happen, let us know.

In a way, what you see is that is one of the things where sometimes things take more time than you may think from a purely top-down-driven organization would be the case. It's

bottom-up. It needs to be an interpretation. And at the same time, we want to avoid kind of re-litigation of the purposes and things like that.

So I encourage you to -- really to continue that. And I -- in our earlier discussion this morning, where no doubt most of you were part of as well with the GNSO, I think it's broadly understood as well that this is where we need to get it.

So I really appreciate your sharing.

BECKY BURR: Thanks, Maarten.

Donna?

Donna, you're still on mute.

DONNA AUSTIN: Yeah, thanks, Becky. Sorry. Donna Austin, and I apologize, you may hear a rooster in the background.

First of all, Becky I'm kind of comforted to hear you say that you're very cognizant of not trying to introduce additional complexity or processes to -- you know, to be a solution to some of these

prioritization issues. I think that's really important, and I think that's something that, you know, we have discussed as well, that, you know, new processes add complexities, add time. So we need to ensure that when we're doing this, you're doing it for a purpose.

One of the questions that I had is the -- sorry; RDAP has distracted me -- is you're having all these conversations with the community this week about their priorities, and I guess you're in listening mode, and I understand that it's for the community to decide the priorities. And I'm still not really sure I understand what that means. But I'm just wondering how do we -- or how does the Board take into consideration everything they've heard this week from the different stakeholder groups or constituencies? And do you have a role in trying to, you know -- is there an opportunity to provide the community as a whole with some feedback about what you've heard and, you know, what you think the next steps are? I'm just a little bit unclear about the Board seems to be in a data-gathering exercise about, you know, what are the community's priorities. What do you intend to do with that? You know, what's your next step? And what can we do to kind of assist in any way, I suppose, or have some kind of community discussion about, you know, how do we parse those priorities, but also there's that other piece with what Xavier is doing in the

prioritization effort and, you know, how that fits into this conversation.

So I guess I'm a little bit confused about what we're going to do with all this information and the data gathering that you're doing.

Thanks.

BECKY BURR: Thanks, Donna. Very good questions.

The Board hasn't been strictly and only in listening mode, although that is very important. We've also been thinking about these things ourselves.

Matthew, would you like to -- would you mind talking a little bit about that? And then maybe Xavier has something to add. But...

MATTHEW SHEARS: Yeah, thanks, Becky. And, Donna, it's a great question. One of the challenges as we go through this process of prioritization across the community and Board and of course org is how we bring it all together so that we are all aligned on those priorities going forward. And into that mix we have to put this prioritization framework as well.

So there's going to come a point in time, and I'm not sure we're quite there yet, when this alignment will have to happen. And how that's going to happen and what period of time it's going to happen over I think is still a little unclear, but it's probably fair to say that the prioritization framework, once it becomes finalized, will probably be the process that starts the prioritization and planning half-year process, I think it will probably be, and that will result in the operation and the budget being adopted at the end of that process.

So it will all come together, and it will all be, to the greatest extent possible, aligned. But I think this prioritization pilot that we're going through in the next month or so is more or less the first step. And from that it is going to build out once we've got some learnings from that will go into the framework itself.

So we know that we have to be all aligned, and we know that there's going to be some work we're going to have to do to get to that point. But that's hopefully how it will come together over time.

So, yes, we are -- as Becky said, we're in a kind of data-gathering mode, but we're very much looking and thinking with org about how we bring all these various processes together so that that alignment exists across ICANN.

BECKY BURR: Yes, Göran.

GÖRAN MARBY: The other thing -- Priorities is one thing, but also get the job done is the other one. And I think as we spoke about several times, I think that -- and we reached out to the GNSO Council as well, the ability to make decisions and especially during implementation. We can prioritize as much as we want if we don't have the ability to make decisions in the right place. And there are many occasions where -- and you saw them in the letter to the registrars, but we need to have a conversation about this, because there is a -- we seem to get into the more complicated that things are, the more complicated it is to get done. So prioritization is one part of the equation. The other one is actually to have decision-making processes within ICANN that actually benefits and moves things along.

Thank you.

BECKY BURR: Thanks, Göran.

Other comments? Questions?

Seeing none, and as time is marching on, we can go to the third question from the Contracted Party House. And this has a lot to do with the same kinds of issues of adding processes without adding unnecessary complexity or delay. And this one is on the Operational Design Phase; how do we think it's going? Have we seen it making a positive contribution to the implementation process, and how?

And Avri, if you could start us off on this question, that would be great.

AVRI DORIA: Sure, thanks. So Avri speaking.

It is something that we're obviously still very much looking at because we don't know yet to what extent it is going to be an improvement overall. I think with the SSAD one, where we're still looking at it, still digesting the ODA, it certainly filled in a lot of questions that had they come up later in the middle of implementation, that sort of discovery could have had a slowing down effect. There's obviously points that needed to be clarified. It needed to be understood better. So in that first instance, you know, I start to think that, yes, it was, indeed, somewhat useful, and various, you know, board members have indicated that usefulness. To say that I can speak directly about a full board

belief at the moment would be absurd but having seen a little bit of that.

And I'm especially interested in looking forward to the SubPro one. You know, we talk about it a lot in the SubPro Caucus. We look at it. We get a lot of reports. And at the end state, I'll sort of be very curious to see, gee, did this go any better? Did it go any quicker? Did we have fewer false starts? Did we have fewer glitches along the way?

So that's the kind of thing that one can perhaps look at we can probably look at and perhaps even come up with some kind of measure at the end.

But in terms of making sure that things are understood, I think that everybody in the board is benefiting from that understanding. It is giving us a deeper understanding. In some ways it's doing things that were being done anyway, just putting them in a package and defining the package and trying to make it and its intermediate milestones more transparent.

So first impressions are it being useful. Will it be ultimately an improvement in -- in implementation performance? Will it be an improvement in the quality? Will it decrease the number of issues that need to be discussed in implementation when

implementation is already ongoing? Will we hit fewer of those "oh, no, we didn't think of this, how do we do that"? Because those things are being thought at and thought through now.

So I have every hope. And obviously the Board in requesting the ODP certainly has an expectation and a hope that it will be better and has reasons for that, but we really do need to wait and see the end of the process to say, yes, it did, indeed, make it better.

BECKY BURR: Thanks, Avri.

I might just add I think all of those points are right, and the jury is still out, but I actually do think we have already seen in the context of the SSAD that we can get to issues more quickly than we might otherwise and sort of -- so it's not a -- it hasn't helped us with implementation, but it has helped us identify and get to work and conversation on issues that are identified as part of that process.

Danko, please.

DANKO JEVTOVIC: Thank you. A brief comment from my point of view. I used to run, well, CC, but registry and registrar, so I believe I understand also where you people are coming from.

So when we have to build something, the result of our PDPs are complex. So it's difficult -- difficult projects. And we have to have more understanding of that in order to do it right.

In normal commercial product development, often you have prototypes, you have agile development, you have iterations and everything. So in this case, we are given an exact policy of what to build, but in order to understand that fully, we need to have this deeper level of understanding that the ODP is giving us.

So I strongly believe this is really helping us and all the work that is put into ODP is actually shortening the process and helping us go to the right point, because we don't have an implementation all these market-driven cycles. We have to go to the right place with the final product. So the ODP is driving us there, and I believe this is very, very beneficial to our work.

Thank you.

BECKY BURR: Thanks. And I go to Maarten and then Sam, because that's the order in which I see their hands.

MAARTEN BOTTERMAN: Yeah.

BECKY BURR: But I just wanted to -- pardon me? I just wanted to note that Jeff has commented in the chat related to this, and I think the Board made clear this morning in conversations with the Council that we don't see the ODP process as precluding worthwhile and work that is compatible in moving things forward while the ODP is under way. So issues as -- like applicant support and closed generics and those kinds of issues can clearly be profitably addressed in the period, and there's no sense of just waiting around until the ODP is done to do the next thing.

So, Maarten, and then Sam.

MAARTEN BOTTERMAN: Yeah, no. I'm very -- very much looking forward to see how you guys see this now. And I agree with Avri that in the end, the proof of the pudding is in the eating, and see how it made a difference.

Yet for me, the ODP as such has already proven value for me personally because what it does in the very complex processes -- I mean, we don't need it for simple things, but for complex processes, it does give a good structure.

So what is the problem uptake? What are we looking at? And what do we need to tackle before actual implementation can take place

And to have that early laid out and to be able to engage with that in an early phase, that means we won't forget things and, at the end, run into things that should have been done instead of back, and things like that.

So from that perspective, I expect a lot of added value. And for sure it helps me to better understand the problems step by step of how to implement what was just agreed to be done.

So very much looking forward to your perspectives there and to learning more.

BECKY BURR: Thanks, Maarten.

Sam, please go ahead.

SAM DEMETRIOU: Thanks, Becky and Maarten and Danko and Avri for the overview there. I'll admit, it was a bit premature maybe to pose this question right at this time while the ODP is still relatively new. One has been completed. One is still very much under way.

But I appreciate the input that you all have shared about the value that you're getting out of it. And I think there's something for us all as a community to keep in mind here, too, which is we've also heard the feedback. And I think this came up earlier in the call today as well. We've also heard the feedback about the need to continue to improve the recommendations that gets sent up, right? That all feeds into making this processing of making the implementation phase more effective, more efficient, faster, run more smoothly, fewer opportunities for relitigation and things like that.

So I think that, you know, we're looking at the ODP as a benefit in the sense that it is able to provide a means of communication, right, and a means of additional feedback where questions arise, where that is necessary. But I think that as we go forward, I think it's almost worth the community thinking about a phase where ODPs become less necessary in a sense that, like, we scope our work in developing policies or in conducting reviews more concisely.

We create more effective recommendations out of those. And then the whole process can run more smoothly from there. And, you know, again, I don't think that's -- I wouldn't say that the CPH is on the record proposing abolish the ODP. But I think the point I'm trying to take from what I've heard from your feedback now is that this is an ongoing process, and we should look at the ODP as a tool, but it shouldn't keep us from continuing to work on all aspects, and on all of our parts to continue to improve the way we develop work in the community, the way we can make recommendations.

BECKY BURR: That is absolutely right, Sam. It is -- this is a tool and to the extent we get actionable, clear recommendations that have the benefit of understanding of the technological and financial challenges, then an ODP becomes less necessary. So I think -- I do think actually the ODP can help us understand how we can do that as part of the policy development process better as well.

So they're all very much related. But that's one point.

Donna.

DONNA AUSTIN: Thanks.

BECKY BURR: Donna, we can't hear you or --

DONNA AUSTIN: I think I'm now off mute. Just wanted to -- I think, you know, Sam's right about the scoping and the developing recommendations that are implementable.

                       But to some extent, that's what we tried to do with PDP 3.0, was address some of those up-front issues.

                       I think when we looked at -- it was a couple years ago when we realized that some of the reviews were coming out with too many recommendations. I think there was some papers down about scoping is important and those types of things. So -- and I think that's right.

                       But speaking with my chair of the IDN EPDP hat on, I'm very conscious of the fact that, you know, it's important to have recommendations that are implementable, but I will say -- and, Edmon, no offense or anyone that was in the drafting team.

EN

But one of the challenges is the -- you have to answer a set of charter questions that have been set up previously. And that creates its own challenges when you're trying to come out with consensus among the working group.

So the language is nuanced, something a little bit like a GAC communique sometimes.

So it is hard to come up with recommendations that are pretty clear-cut sometimes because you're trying to accommodate different views. And I'd have to say the IDN EPDP doesn't necessarily fit into that category because I think it's a pretty congenial group and everybody is more or less on the same page.

But I also note that we have two Board liaisons in that PDP. So maybe there is a role for the Board liaisons to be -- have half a mind on when recommendations are being developed, whether they are implementable from the perspective of the Board or perhaps there's another opportunity -- there's an opportunity during the development of the initial report that the group gets feedback from the Board liaison.

So I just -- this isn't simple, and I don't think anyone is claiming that it is simple and there are -- there's many pieces to it.

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But I think to Sam's point, if we can try to streamline some of these things and become more efficient in doing them, I think there's also another aspect to this, which is the skill set of the people doing the work, right?

Developing a term of reference or developing a charter isn't an easy thing to do. But I don't know that those of us who do those things really had the skills that we need to do them.

So, you know, to Sam's point, if we can tighten up some of those earlier inputs, maybe the outputs will be better, and we'll gain efficiencies that way. But it's a -- we've been doing this for a long time, and I think we're still struggling with it. Thanks.

BECKY BURR: There's no doubt about that, Donna. I think that's absolutely correct. Avri, please.

EDMON CHUNG: I think Avri is pointing to me.

BECKY BURR: Is Edmon, first?

AVRI DORIA: I was trying to find my unmute button and trying to say Edmon was before me.

BECKY BURR: Edmon, please.

EDMON CHUNG: No worries. Thank you, Becky. Edmon here.

Thank you, Donna, for bringing this up. I think it's a good idea. I will definitely take note of that and see how, I guess, from the Board IDN UA Working Group to, as the EPDP continues to bring some insight into that possibility.

Not to escape responsibility, I did participate in the charter group. But, you know, it's a collective effort. And I think what you identified was quite correct.

Earlier I was starting to chair that group before I joined the Board, I also took a deeper look at it and identified some of the challenges that you mentioned as well. So sorry I left that with you this time.

But I think not to miss the -- at least from what I hear the key point, which is to see if we can bring in the operationalizing of recommendations early in the process. I'll definitely keep that in mind and see how we can do it and liaise with the staff team on those as well through the Board. Thank you.

BECKY BURR: Thanks, Edmon.

Before we go to Avri, I just want -- Chris noted a suggestion to develop a representation framework like using the SMART test when setting goals. I just want to remind people that we did put out a discussion paper on making community recommendations more effective; and it did, in fact, address and suggest a SMART goals -- SMART test as part of that. So we agree.

Avri, please go ahead.

AVRI DORIA: I very much wanted to agree with the direction Sam was talking in, in terms of how do we sort of merge more of these things and overlap and not have to wait and do everything sequentially.

I also don't want to point out that a lot of these things that we're doing are still new. And as we've just started having Board

liaisons in PDP groups going in with the worry about putting fingers on the scales and not changing things, so operating by asking questions as opposed to making statements. And we've had Org putting in and asking questions and not stating this will not work.

And in terms of the nuance, I really wanted to salute that because one of the problems that we often have is when we can't get groups to agree, we pick a word, we pick a sentence that everyone can agree to because they hear it differently. And that's just storing the problem for a later time. and every time we come up with an ambiguous definition for something, we have just sort of said "And we'll deal with that in the implementation" or "we'll deal with that wherever."

So the way we solve in the nuances of coming to consensus there needs to be care that we're not just sort of encapsulating a problem for a later date. Thanks.

BECKY BURR: That is absolutely right. The kicking the can down the road when you can't agree on crisp agreement, hoping you find a solution, sometimes it works but most often it doesn't really work. It just kicks the can down the road.

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On the Board liaison, I just wanted to point out, the Board has been thinking about this. And Sarah has been working on the issue of the role of Board liaisons. It varies from process to process, and it probably also varies from Board member to Board member because I'm pretty sure I don't properly sit on my views in some of these processes.

But I think we are learning and trying to understand how we can provide input, how we can contribute to these processes in a constructive way without violating the bylaws principle. That policy comes from the community. And I think as we go along, we are getting better at it; but it is pretty new and it's going to continue to be a learning process.

But, Donna, to your point, I do think that we learned a lot of lessons from the EPDP. And one of the ones that I take away from it is that we probably could have made sure that everybody understood what the implications of the transition from the UAM to the SSAD were and where those were coming from and sort of taken a moment to pause and say, Okay, as we make this transition, what does that mean?

And had we done that, maybe we would have avoided some of the -- at the end of the process everybody raising their hands and saying "Yeah, but that's not what I meant at all."

So I think your point is really very well taken on that. And, again, it's -- it's a learning process here.

Not seeing other hands, although this is obviously a pretty big and important issue. Other comments?

Sam, please go ahead.

SAM DEMETRIOU: Yeah, thank you, Becky. This is Sam again.

Not so much in line with the ongoing discussion about the ODP and improving the recommendations but I think this all -- you know, it feeds into the question of improving the efficiency and effectiveness of the implementation process as a whole.

And I just -- I wanted to open -- I know that some of the folks on our side had some other suggestions or ideas to share on this topic. So, folks, this would be a great time to do so, if you want to put your hands up.

But I do know one of the things -- or a couple of the things that came up in our sort of internal discussions as we were considering, you know, the question that the Board had posed to us is, you know, once it does get into the implementation time

line, recognizing all the things that we've discussed thus far in the meeting, right, as up to the point of implementation, once the process kicks over into implementation, some ideas that we had discussed kind of broadly were setting target time lines using those target -- like a standardized target time line for implementation procedures, recognizing that not everything will fit into it. It may need to be adjusted. But if as a rule of thumb there is something like the understanding that the implementation should take 12 months -- again we can massage that a little bit in practice. But, like, at least having that as an understood principle. And I think understood timelines and agreed-upon timelines is something that various processes could benefit from, right? So that was one.

I think that standardized timelines allow you to help build out more accurate milestones and project plans that can be worked towards. And then another suggestion that came up in our discussions were similar to the way that the GNSO engaged in PDP 3.0 work to look at how to improve the policy development process, taking a look at the guidelines around policy implementation and, you know, understanding that everyone has a lot of work on their plate right now. We just all listed our priorities, and there were 75 items, right?

But at some point in the future, you know, engaging in a process with the community, with staff to kind of revise those and see where efficiencies can be gained that we can bake into a process document that the community can be looking at going forward as we move into implementation of some of these upcoming projects, that that could be another area to explore where we could gain some efficiencies, make this process more effective.

But, yeah, again, I've been sort of filling time here. But if anyone else from the CPH wants to pop their hands up and share any thoughts we have on this, we have about 13 minutes left, so now's the time to do so.

BECKY BURR: Yeah. Just, Sam, on your point, we have also identified the IRT process as something that needs to be looked at and considered in terms of the -- making sure that there are not unnecessary obstacles to implementation sort of built into that or arising as a result of the way things are operating.

I don't see any more hands. And if you don't mind, if you would indulge me, I wanted to share with you -- we wanted to share with you some of the Board's conversation regarding the accuracy scoping work that we thought about during the workshop. We

have shared this with other parts of the community, of course, today and will be doing so.

I think for those of you who are on the accuracy scoping team -- and I know that there are at least six people in this room who are -- I think that there's a sort of universal recognition that we do not have baseline information about the nature and the scope of inaccuracy. And by "nature," I mean what kinds of inaccuracies are we seeing across the data set and how prevalent are those inaccuracies across the data set and do those stand in the way of contactability or other purposes for which the data set is used.

ICANN has not been able to do proactive checking since GDPR came into effect. And so the data that we have is either sort of 2018 data or anecdotal data. And it seems very hard to scope a problem without actually scoping the problem.

And so in trying to figure out how we could contribute to making -- to providing some data here, you know, it's clear that ICANN can ask a registrar for registrant data when it is responding to a specific complaint. It is much less clear to us that ICANN would be seen to have a legitimate and proportionate interest in proactively analyzing the data sets to get the kinds of answers that we need.

So we asked the -- sorry, I just was distracted by Michele's post in the chat. We asked Org to draft up some specific scenarios and to seek guidance from the European Data Protection Board with respect to the circumstances under which ICANN might be able to proactively look at the dataset or a subset of the dataset in order to get a sort of representative and agreed-upon view of what the -- the accuracy issue entails here. Now, Michele has put in that -- raised the issue of the data protection agreement in the chat, and I do not want to -- I am not going to gloss over that.

First of all, we very much hope -- we have talked about this and very much hope that we can bring the discussions that are underway with the contracted parties house on roles and responsibilities to a successful conclusion with some additional energy on that front, and I think you'll be hearing more about that and plans to convene right after ICANN73. So I'm not ignoring that.

But also, if we were to get guidance from the European Data Protection Board that said yes, under the following circumstances, ICANN hires an independent, outside research firm and they analyze the data in Europe and whatever the various caveats they put on it would be, there would still need to be an understanding and agreement about the data exchange that would be necessary to do that. And I think that, as I said, I'm

hopeful that we can reach conclusion on the -- on the larger data protection agreement issues, but I also think that it would be possible to create a very narrowly tailored data processing agreement just to cover up that specific data transfer for the proactive creation of -- for proactive processing to create a baseline on it.

So you may all have questions about it, and we have a few minutes left in order to talk about it. As I said, it's not -- this was an idea that we fixed on over -- in the course of our workshop and we think we would like -- you know, we're hoping that we will get support, for example, from the GAC with respect to these questions to make sure that there are articulations about why these interests are legitimate. But let me just see if there are any hands. I'm not seeing any hands. Y'all must have questions.

Maxim, no, we don't think that criminals are using accurate information. Yes, Ashley, please go ahead.

ASHLEY HEINEMAN: No, I was just going to say that this is, I think, just one example of, I think, a good way to try and get facts out there. Because I think my -- well, I know what my overarching concern is which is, we seem to find ourselves consistently operating under the assumption that there's always a problem without having the

data to support that argument. And I think having factual-based conversations, particularly when we're dedicating so much time, energy, and resources into an exercise, being able to clearly scope that a problem exists and what the extent of that problem is, is very helpful. So thank you for that.

BECKY BURR: Thanks. There are a couple of questions in the chat about, you know, since the report -- since compliance has been enforcing these requirements now, why do we need to do -- why is this exercise necessary? And I just want to say, it is very clear in the registry -- in the accuracy scoping group that the sides are very, very far apart with respect to, you know, whether there's a problem and if there is a problem, what the scope of it is. And I think it's critical that we get a set of data that everybody agrees are reliable and they don't overstate or understate the problem one way or another.

You know, we could ask the registrars simply to report on what percentage of inaccuracies and the nature of the inaccuracies they find in their data they send, I have every expectation that we would get truthful answers, but I guarantee you that would not be data that the other parts of the community would be willing to rely on and other parts of the community are suggesting that we only need to look at data that has, in fact, been -- registration data

that's already been flagged as inaccurate or any look at the inaccuracies in registrations that come up for examination in the UDRP. And I think that, you know, parts of the contracted party house and other parts of the community that are making the case that that's going to give you a really skewed sample. So I think we have to get the community on the same page in order to make progress here.

That's my two cents. Sam, please.

SAM DEMETRIOU: Thanks very much, Becky. I kind of popped my hand up once Ashley was making her intervention, really just to support all the points that she made about if this is any -- any steps that we can take to make sure that the discussions we're engaging in are driven by concrete facts and driven by data, I think is definitely welcomed by the contracted party house, right? I think our members are absolutely willing to roll up their sleeves and do work on things. But I think it's just critical that everyone have the same understanding about what it is that we are actually working on. Right? And so I think that like any attempts to get more information and clarity that's going to help define the problem and then help us all figure out how to solve it, I think this is definitely going in the right direction.

Obviously, you know, there's some questions maybe about the details of how to get there, but I think, you know, we're willing to engage in those discussions as well and help make this happen.

BECKY BURR: Thanks, Sam.   Other questions or comments?   Happy to talk about this more as time goes on as we get a little closer.

All right.   I don't see any other hands raised.   I think we got through your questions, and we did hear about your priorities, which was our question.   And so we're coming up to the end of the 90 minutes.   It's always great to get together and have these exchanges.   We hope soon we will be able to do it in person face-to-face and hybrid as well.   So thank you all very much for participating. Sam, Ashley, I will leave it to you. Oh, I see Alan's hand. So maybe we should take that, first, before closing.

ALAN WOODS: Just very, very quickly, Becky. It's just on the DNS abuse, I know it's a very hot button topic. I just wanted to say, you know, to the Board caucus, that if you want to use the contracted parties or the registry stakeholder group as a resource, please feel free to reach out to us. We're more than happy to talk and to meet with you in person. And if you have any ideas or you can tell of any areas that you think would be helpful for us to work on or to go into, we're

	also open to meeting and discussing and hearing that as well. So I wanted to get that into the record.
BECKY BURR:	Great. Thank you very much, Alan. Sam and Ashley, you've got the last word.
SAM DEMETRIOU:	Thanks, Becky. I'll keep it brief and just thank you all so much for your time and for the good discussion. And to Alan's point, our doors and our emails are always open. So we're looking forward to more constructive conversations with the Board. Thank you guys, again.
ASHLEY HEINEMAN:	Yeah, same thing. Ashley here, chair of the Registrar Stakeholder Group. I think these are good opportunities to talk things through, and I think what we struggle with is being constructive and forward, proactive, thinking kind of ways. So I think this is always a good way to start that process and looking forward to continuing them with you guys. Thank you.
BECKY BURR:	Thanks very much, everybody. And have a good ICANN.

AVRI DORIA: Bye, all.

MAARTEN BOTTERMAN: Thank very much. Very good discussion indeed.

[END OF TRANSCRIPT]