
ICANN Transcription

GNSO Council

Thursday, 22 April 2021 at 19:00 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

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https://icann.zoom.us/rec/play/cW5puSZfQlYDJrHD-XSrg0Z9iWiA_hzD_BbxnYBAMAOrSjY9XIyuPpvUXB13qYhH4RjFM9s12TB9n-j.VISbhtxOHBVyZm2a

Zoom Recording:

https://icann.zoom.us/rec/share/e7N8dd5HCYayl8quAjnKFjwNR4IbOtgHWWGI8nmq0_tb7OqcnZK6SjGDJJkVTM7.n6zS3hzoCjX1yub5?startTime=1619118128000

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page
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List of attendees:

Nominating Committee Appointee (NCA): – **Non-Voting** – Olga Cavalli

Contracted Parties House

Registrar Stakeholder Group: Pam Little, Greg Dibiase (apology, temporary alternte Owen Smigelski), Owen Smigelski, Kristian Ørmen

gTLD Registries Stakeholder Group: Maxim Alzoba, Kurt Pritz, Sebastien Ducos

Nominating Committee Appointee (NCA): Tom Dale

Non-Contracted Parties House

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Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld, Philippe Fouquart, Osvaldo Novoa, John McElwaine, Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Juan Manuel Rojas, Stephanie Perrin, Tatiana Tropina, Wisdom Donkor, Tomslin Samme-Nlar, Farell Folly (apology, proxy to Tatiana Tropina)

Nominating Committee Appointee (NCA): Carlton Samuels

GNSO Council Liaisons/Observers :

Cheryl Langdon-Orr– ALAC Liaison

Jeff Neuman– GNSO liaison to the GAC

Maarten Simon – ccNSO observer

ICANN Staff

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional

Marika Konings – Senior Advisor, Special Projects (apologies)

Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement

Julie Hedlund – Policy Director

Steve Chan – Senior Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Manager

Ariel Liang – Policy Senior Specialist

Caitlin Tubergen – Policy Director

Nathalie Peregrine – Manager, Operations Support

Terri Agnew - Operations Support - GNSO Lead Administrator

NATHALIE PEREGRINE: Good morning, good afternoon, good evening, everybody. Welcome to the GNSO Council meeting on the 22nd of April 2021. Would you please acknowledge your name when I call it? Thank you. Pam Little.

PAM LITTLE: Here.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: Here.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: Here, Nathalie.

NATHALIE PEREGRINE: Thank you. Kurt Pritz.

KUT PRITZ: Here, Nathalie.

NATHALIE PEREGRINE: Thank you. Greg DiBiase has sent his apologies. He's absent, and we have Owen Smigelski as temporary alternate. Owen Smigelski.

OWEN SMIGELSKI: Here.

NATHALIE PEREGRINE: Thank you. Kristian Ørmen.

KRISTIAN ØRMEN: Here.

NATHALIE PEREGRINE: Tom Dale.

TOM DALE: Here.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you, Marie. Mark Datsyged. Mark is in the Zoom room. He'll be connecting his audio shortly. John McElwaine.

JOHN MCELWAINE: Here.

NATHALIE PEREGRINE: Flip Petillion.

FLIP PETILLION: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you. Philippe Fouquart.

PHILIPPE FOUQUART: Here.

NATHALIE PEREGRINE: Osvaldo Novoa.

OSVALDO NOVOA: Here. Thank you.

NATHALIE PEREGRINE: Thank you. Wisdom Donkor.

WISDOM DONKOR: Here.

NATHALIE PEREGRINE: Perfect. Stephanie Perrin.

STEPHANIE PERRIN: Thanks, Nathalie. Here.

NATHALIE PEREGRINE: Thank you. Farrell Folly has sent his apologies and has assigned his proxy to Tatiana Tropina. Tatiana Tropina.

TATIANA TROPINA: Present. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you. Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Present, Nathalie.

NATHALIE PEREGRINE: Thank you. Juan Manuel Rojas. Juan, I saw your—oh, there we go. Perfect, thank you.

JUAN MANUEL ROJAS: [inaudible]

NATHALIE PEREGRINE: Thank you for that, Juan. We can hear audio, but it's a bit unclear. We'll work on your connection privately, thank you. Carlton Samuels.

CARLTON SAMUELS: Here. Thank you.

NATHALIE PEREGRINE: Thank you. Olga Cavalli.

OLGA CAVALLI: Here, Nathalie. Thank you.

NATHALIE PEREGRINE: Thank you. Jeffrey Neuman. I don't see Jeffrey in the room. Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Present, Nathalie. Thank you.

NATHALIE PEREGRINE: Thank you. Maarten Simon.

MAARTEN SIMON: Here.

NATHALIE PEREGRINE: Thank you. Our guest speakers today, we'll be welcoming Reg Levy, Brian Cimboric and Jim Galvin from the Contracted Parties House DNS abuse group, they'll be speaking to item number five. From staff, we have David Olive, Steve Chan, Julie Hedlund, Berry Cobb, Caitlin Tubergen, Emily Barabas, Ariel Liang, Terri Agnew, and myself, Nathalie Peregrine.

May I please remind everyone here to state your name before speaking, as this call is being recorded. Reminder, we're in a Zoom webinar room. All councilors have been promoted to panelists and can activate their mics and participate in the chat once they have set their chats to all panelists and attendees.

A warm welcome to observers on the call who are silent observers, meaning they do not have access to their microphones, nor to typing in the chat.

As a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior. Thank you. Philippe, it's over to you.

PHILIPPE FOUQUART: Thank you, Nathalie. Welcome to all councilors and liaisons and observers to our April 2021 call. Let's go to our agenda for today. Any updates to the statements of interest? Anyone?

Okay, seeing no hands, moving on. Minutes of the previous meetings, the March meeting as well as our April meeting were posted, so we'll just note that for the record, and we'll go directly to item two in our review on the ongoing projects and action list. Before I turn to Steve and Berry, I just want to emphasize that as we're going through this regularly, I think it's become clear that we have a number of items ahead of us, hence the exercise that we did through the framework for the continuous improvement. We'll come on to that in a moment, but that was really the purpose of getting Council on board and making sure that we address the items that we are supposed to address, and make sure that regardless of our difficulties in terms of resources, process-wise, we approach those issues as efficiently as possible. And I just want to make that link because I think that further discussion will be necessary, but it's important that we keep that in mind.

So with this, I'll turn to Steve and Berry to help us go through the project list and the radar.

STEVE CHAN: Thanks very much, Philippe. I'll provide the initial part of the update. So you'll probably be aware that Berry provided a great summary over e-mail on the 13th of April, primarily about what changed in the project list and key items coming up in the Action Decision Radar. So if you have questions about that, I'm sure

Berry and the team would be happy to provide responses as best as we're able to and provide clarity where needed.

So actually, for this item, I want to focus on something a little bit different and it ties into what Philippe has mentioned. So the project list and the Action Decision Radar and also the program management tool, these are all relatively new still, and they should evolve and improve over time. And what we want to talk about today is specifically the Action Decision Radar. And the reason for that is what Philippe alluded to, that there's a recognition that there are a number of items on the Action Decision Radar that have actually been hanging out in the zero to one month range for a number of Council meetings.

So what this says to us from the staff side and Council leadership is that it's essentially an indication that the functionality and the meaning of the ADR—the Action Decision Radar—is being diminished in a sense, since these items can sit idle over the course of several months with no clear next steps necessarily and more or less no consequences, I guess.

So in the spirit of evolving these tools, this update from staff is more about refining the understanding of the ADR and how it can be used. So I will admit the presence of an item in the zero- to one-month range has meant, in my mind, that the Council needs to do something about, presumably initiate some sort of line of work. So that presumption can make the impending wall of work feel very intimidating and overwhelming.

Here's what we want to propose as a bit of an evolution in thought about the Action Decision Radar. It's more about the Council

taking action, so it's more about making decisions on the stagnant items, so this is an important part, it's not about Council deciding to start work but making a decision about something that is in the zero to one month range marker.

So in the notion of “no” or “not now,” the Council may recognize that something in that zero to one month range marker does not need to be there, and that can be for a variety of reasons. There could be a mutual agreement that the work is not currently a high priority, there could be a need to wait on external factors like some other line of work needs complete before the Council can do something there, it could be that we've classified the work in the wrong range or any other number of reasons where that item doesn't belong where it currently is classified.

So the decision in this case could be for the Council to agree that the relevant item be moved to a different section of the ADR, let's say one to three months or three to six months. It could even be removed in some rare cases.

Another option could be that the work as described in the ADR needs to be revised to say something different or to be recast as something different.

So in summary, staff is trying to recast how the ADR is viewed. So if items in the zero to one month range marker are ignored over the course of several months, the ADR begins to lose its value. However, the range markers shouldn't cause the Council to feel compelled to initiate work simply because it is on the ADR. Rather, seeing something in that range marker should be about the Council making decisions. So those decisions could indeed be

about actually initiating the work, but it could just as well mean that that work should be delayed, that line of work should be eliminated potentially, or it could be revised in how it's described, all of which will hopefully allow the Council to more effectively and actively manage its workload that's impending in the ADR.

In other words, it's about the Council taking active ownership of the pipeline of work rather than sort of giving in to the weight of all the work that seems to be impending and sitting in that—I guess in particular in the zero to one month range. So I will stop there, and I already see a hand from Maxim. Thanks.

PHILIPPE FOUQUART:

Thank you, Steve. And indeed, we'll go to questions. I think a number of us, including myself, have been uneasy about having those items sitting in that list, and the nuance between making a decision as opposed to starting, initiate some work, is an important one. We just want to make sure that it's been raised in Council and that everyone's aware of where that action item is sitting timewise. So, Maxim.

MAXIM ALZOBA:

I'd like to remind the Council that from project management perspective, decision to delay start of the project is a decision. It's not doing nothing. Because if we start everything we have on the plate, we will just kill the bandwidth, the leftovers of the community, because we are managers of the process, we are not the body which accepts everything and starts right away, because we have to ensure that the community can withstand the load, not

just blindly accept everything. And it is important to understand that a decision to delay process is a managerial decision too. Thanks.

PHILIPPE FOUQUART: Thank you, Maxim. And Steve or Berry will correct me if I'm wrong, but that is exactly the sort of action that Steve, you referred to, delaying something is making a decision in that respect, and not leave something that is meant to be started in terms of activities sitting in the to-do list forever. I think that's exactly the point. Berry.

BERRY COBB: Thank you, Philippe. To Maxim's point—and that was part of the theme for our last strategic planning session, which was “no” or “not now.” And I'll freely admit that the suite of tools that we have right now still lacks a prioritization component to it, effective tool that could assist in helping to define the priority of different types of work, as well it still lacks the resource management component of all of this work. How much of an effort would it take to accomplish a set of work or activities? How long will it take? Which should be married to the priority or urgency of completing that work.

And hopefully, as we move through the calendar year, we can start to evolve through that and as most of you have probably seen, there is a webinar scheduled next Tuesday, the 27th from the finance and planning team in regards to prioritization that is connected to some of the concepts that were identified out of the

evolution of the multi-stakeholder model as well as identified in the five-year strategic plan.

I did want to note here kind of two things. What you see on the screen here, the very first two rows are dealing with one of the topics that the Council is currently deliberating on which are in relation to the two IRTs that are paused. And the idea here, as Steve noted, this is about some sort of decision that needs to be made and the substance or type of decision, the radar doesn't necessarily probably provide the best example of what the decision should be other than to note that some sort of decision needs to be made, because it's right here in front of us.

So, but how these tools within the suite work together is that a decision needs to be made rather soon—if not now—about what to do with them, but it shouldn't be made just in the context of just the Action Decision Radar. And Steve, if you could flip over to the project list and the summary page and scroll down about midway through, this is kind of another representative example of how our projects are moving through a sort of pipeline, and you can see that we have a stacked series of projects that are sitting with the Board now, three of which are fairly recent in broad terms over the last several months. But in addition, it is moving along the pipeline where even some of those projects that are already in the implementation phase.

So I know that over the coming weeks or so that the Council will have a decision or discussion about the next steps for these paused activities, is they shouldn't be considered in isolation of whether they should be restarted or not, or it shouldn't be considered in isolation whether it should be restarted but also in

the context of the pipeline of work here that is already stacking up in addition to what is already active. So they need to be considered together, and of course, as it relates to the two that are on top of the Action Decision Radar, there's an action for staff to provide some better context about how much work is remaining on those to better inform the Council as the decision draws near.

So again, these tools are in fact meant to work together as a suite, not in isolation. And the final point that I'd like to make here is these tools are only as good as they're actually being used. There's two changes I'd like to point out again. The first is that we used to attach just the project list to an e-mail to the Council, but it was difficult to gauge how much that was being consumed, so what we did in terms of trying to better understand that was only provide links to the Wiki pages where these work products are listed so that we can see the activity. And the very first time we made that change, it was encouraging to see the traffic towards the work products, but that has started to trend downwards, meaning that I don't have a fair indication that everybody in the Council is actually consuming these.

So we would encourage you that when you do see the e-mail and you have time to review them, that you do spend some time specifically on the Action Decision Radar as well as this project list to review them in their entirety, because they do match typically and will help inform deliberations on the Council.

And then lastly, in the e-mail that Steve referred to that I send basically in parallel with the agenda, there's the link to the program project management framework, and this is the idea—I've mentioned it a couple of meetings ago, but it's really to try to

bring the entire context around what this program suite is supposed to accomplish and how these things work together. So I do also encourage you to check that out to try to get a better understanding of the interplay between these. Thank you.

PHILIPPE FOUQUART: Thank you, Berry. Any questions to Berry or Steve? There was a question from Tomslin in the chat. Maybe either you, Berry, or Steve, may elaborate on this. Process-wise, how do we make sure that as we review this, the relevant items—and I'm thinking of all the things that are considered, for example, within the context of the framework for continuous improvement that [I'll mention is] if commence, if approved, etc., how do we make sure that—and I'm not thinking about the big names on this list but more the lesser knowns—they're flagged for Council and that precisely a decision is made on this as opposed to initiating the work if that's delaying this? Berry?

BERRY COBB: Thank you, Philippe. And Steve, if you'd go back to the ADR. So the point here about whatever action or decision the Council determines or actually executes against is that we have some sort of marker that is laid down that we can point back to it. That can be something as completely formal as a resolution that gets passed, semi informal as what might be on the consent agenda, or a little less formal is some sort of action that gets documented in the Council meeting minutes but that there's always something that we can link back to as to what action or decision was actually taken.

So in terms of trying to answer Tomslin's question here, what happens if a decision pushes down work, if I'm understanding it correctly that he's asking the process has anticipated how the Council can move the items around in different sections of the Action Decision Radar. This is just a fake example, but let's hypothetically assume that I'll just use the first one on the second row for the translation/transliteration row.

Hypothetically, let's pretend that the Council makes a decision that there's not enough bandwidth to start this work or restart this work. Now, of course, that would need to be considered in the context of all of the other work going on, all of the other pipeline of work of implementation that's working through the pipeline, but one way or another, the Council decides to delay restarting this work for six months, and let's say it's a consent agenda item.

What staff will do—or specifically me—in terms of updating this is that I will move, copy paste row two there for translation/transliteration IRT and move it down to the very bottom of this list at the six- to nine-month range so that as we move over the next six months, it'll slowly start to crop back up to the top again, requiring another decision be made.

And I would document it as well. So what is also included in the lower pages of the Action Decision Radar is a log of those actual decisions. So if you go down to pages three, four or five, there's a "completed" section here. So, as those decisions are made, I'm copying them down here on the log. So in effect, for this hypothetical example, the T&T IRT restart, I would copy one that would be placed down here in this completed section and update it to point to a link to the consent agenda item that said the

Council would delay this work, and then there would be a second copy on the active part, the first two pages in the six- to nine-month range. As I mentioned earlier, that would slowly climb to the top as time goes on where the Council would need to make another decision about restarting that particular effort.

So that's kind of the idea, and I think to what Steve was trying to mention earlier, is that the ADR is not meant to dictate that the work must be started, but it is meant to facilitate some sort of decision being made about that work, which is a variety of different decisions to restart it, to pause it, to delay it, maybe even to not do it, those kinds of aspects, or launch additional work. There's a variety of decisions that can be made. So I hope that's helpful. Thank you.

PHILIPPE FOUQUART: It is. Thank you, Berry. And to that effect, the potential vehicle that you mentioned, which is [lightweight,] is consent, which we can use to take those decisions as we move along. Maxim, you have your hand up. Very quickly, if you would.

MAXIM ALZOBA: Our goal as a Council is not just to make the picture in these two better. We need to take care about the whole policy process. And this is an indicator of what's going on at how. All we need is to review and to check if we have ability to start something new, not just make the picture better in this particular tool. Thanks.

PHILIPPE FOUQUART: Thank you, Maxim. So with this, we'll come back on to it to some extent with our discussion on the items that [are under or planned] under the continuous framework. But we'll come back to you on this, but the proposal does make sense in terms of making sure that we're consistent and we don't have those items living forever under the zero- to one-month when in effect, they are by default delayed, and we want to make sure that we have that nuance between taking a decision and starting the work, actually.

So, thanks, Steve, thanks, Berry, and let's now move on to our item three, that's our consent agenda. For those of you who wouldn't have noticed my e-mail earlier today, my time, we now have two items under consent. That's the appointment of Roger Carney as the transfer policy PDP chair and Greg DiBiase as the liaison to that same PDP. Two items were taken out and we'll come up to those in our discussion on the section rep to the CRG and in the AOB for the comments to the GAC communique.

So with this, anyone would like—I didn't go through the agenda bashing, but anyone would like to take either of those items out of consent? Okay, seeing no hands, Nathalie, would you like to help us go through the vote, please?

NATHALIE PEREGRINE: Thank you very much, Philippe. Would anyone like to abstain from this motion? Please say aye. Hearing no one, would anyone like to vote against this motion? Please say aye. Hearing none, would all those in favor of the motion please say aye?

UNIDENTIFIED PARTICIPANTS: Aye.

NATHALIE PEREGRINE: Thank you. Tatiana Tropina, proxy for Farell Folly, please say aye.

TATIANA TROPINA: Aye.

NATHALIE PEREGRINE: Thank you very much. With no abstention, no objection, motion passes. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Nathalie. Moving on to item four, which was originally under consent but given the importance of that appointment and also the need for transparency, we thought it opportune to put that as a Council vote and have some discussion on this. This is a result of, as you recall, the second EOI relative to appointing a second GNSO representative to the community representatives group that will nominate the members of the standing panel of the independent review process.

In April, the SSC made their recommendation. I'm sure you've noticed Carlton's e-mail, having reviewed the applications. So this is the motion that you have before you. But as I said, given the importance of that position and to make sure that we're as [inaudible] as possible, I would ask Carlton, as chair of the SSC, to provide the background on this recommendation and the criteria

that were applied. Carlton? Or I'm sorry, Kurt, I see you have your hand up. I'll take it as a point of order, so I'll go to you first.

KURT PRITZ:

Thanks very much. Given that Donna Austin is the subject of the motion and the fact that she's my much respected and beloved spouse, I'll recuse myself from the discussion to avoid the appearance of any conflict at all. And as far as my vote, the RySG has furnished a proxy with direction for my vote. So I just wanted to let everyone know. Thanks.

PHILIPPE FOUQUART:

Thank you, Kurt. Duly noted. So, with this, I'll turn to Carlton for the introduction of the background to provide the criteria as well as the motion. Carlton.

CARLTON SAMUELS:

Thank you, Philippe. Members will recall that the GNSO representative to the CRG was decided and we had selected Heather Forrest. There was an opportunity to have a second representative to that group, and we decided that we should, and the standing selection committee presented to members and the constituencies a set of recommendations for the selection of the additional member. The statements of interest went out. We had three well qualified candidates. The candidates and the way they were assessed followed the guidelines we had suggested to Council.

In the meeting of the SSC to select the representative, we followed the same guidelines that we did. There was a polling, and staff competently analyzed the results of the poll which indicated a preference, [an order] preference, and when we met, we had a look at all of the responses. One of the responses to that challenged the group to do a more nuanced assessment to enable us to arrive at a recommendation. There was some discussion about it, and we had a unanimous committee decision to report Donna Austin as the preferred candidate. This is the basis for this resolution, which I'm now going to straight away.

Resolved, the GNSO appoints Donna Austin to serve as a second GNSO representative to the Community Representatives Group that will nominate the Independent Review Process (IRP) Standing Panel.

Two, the GNSO Council instructs the GNSO Secretariat to communicate resolved #1 to the SO/AC Chairs and ICANN.

Three, the GNSO Council instructs the GNSO Secretariat to inform the nominated candidate of the Council's decision.

Four, the GNSO Council requests the GNSO Secretariat to send a response to those applicants who were not nominated, noting that all three candidates were highly qualified, thanking them for their interest and willingness to step forward for this role, and encouraging them to apply for future opportunities as they arise.

So there is the resolution before the Council. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Carlton. Before we consider our vote on this, I'll turn to you, councilors, for a discussion on this, and I would just recall the SSC charter that it is up to council to either approve the recommendation and therefore go for a vote or return to the SSC for further consideration and be specific as to what we would expect.

So with this, I see that, Flip, you have your hand up. The floor is yours.

FLIP PETILLION: Thank you, Philippe. I just wanted to raise—first, I would like to mention, because I'm not sure that everybody knows on this call that I was one of the candidates. But my comment that I will make is actually unrelated to that, and if Donna will be confirmed, I wish her all the best and I think she is an excellent candidate.

The point I would like to make is that in the discussions of the SSC, there was a new criterion that was added, and that criterion was not there before applicants actually could express their interest. I was personally, as a member of IPC, encouraged by our president to send in an application, and I'm part of IPC, noncommercial, and in the discussions, it was—well, everybody can note when you listen to the Zoom call that a new criterion was added as a selection criteria, and that criterion was to belong to the Contracted Parties House.

I find that problematic from a process point of view. I think it would have been appropriate for everybody to know beforehand that that would be one of the criteria, but that is not the case. Some

people—well, in particular, one person has actually been in mail exchange with me trying to convince me of the contrary, but I have seen absolutely no track of that.

So I find that problematic, I find that a dangerous precedent, and I do not approve that personally. But I also think that this brings us to another question, which is a question that has already been raised in the community and in the Council before. It's about representation.

I think it's important that the Council reflects on the question for now and for the future about representation. What do we want now? Do we want the best of the group to do this or that task, or do we always want to have an equal representation for the CPH and NCPH?

Let me come back to myself. I was an applicant, but I do a lot of IRPs, I've actually probably done most of all at ICANN, and most of people I represent are actually the CPH members, or people at that [side,] although I am myself from the Noncontracted Parties House. So I think I'm quite objective here in this story, and nobody can blame me for applying for this position.

So I think it's really time for Council and for ICANN as a whole to think about that representation. So I mentioned three things. The first, I was applying for this position, and that's, for me, frankly irrelevant. I think there is a problem of process, and I think I pointed that out to you. And I think there was a third point about representation of the CPH and the non-CPH. I hope that helps you in making your decision. And of course, Philippe, I'm more than happy to recuse myself for the vote that you will want to take, and

I hand over my proxy to John, who is a member also representing the IPC. Thank you very much, Philippe.

PHILIPPE FOUQUART: Thank you, Flip. And so as to the criteria that we used and the need to have—that was deemed appropriate of the SSC in the deliberations. I'd like to turn to—I hope you'll forgive me, Maxim, I'll turn to Carlton first, because I think that's what you're able to help us with Carlton.

CARLTON SAMUELS: Thank you, Philippe, for bringing up the issue of representation. So let's start with the representation. The SSC is a representative body. You would notice the appointments and from whence they come. So that is locked into the SSC.

At a higher level, the GNSO is also considered, and it's been argued many times on this [chat] that the GNSO is a representative body. It has representation from the Contracted Parties House, Noncontracted Parties House. And I don't think it's new to us to hear the talk about balance in the GNSO in terms of contracted and Noncontracted Parties House.

If you look at the representation from the SSC to the Council and the GNSO in general, you will see that the items that were to be considered for selection [inaudible] and invited everyone with an interest to ensure that all of the considerations that were necessary would be included in the set of criteria.

We slightly were prescient in that report, because if you look towards the bottom of the report, you will see that there was an element that said that when we have candidates that are equally balanced and we need to make a more nuanced assessment for preference to report, that we would need to make that.

I believe, in this case, I personally did not think of the representative as top of my mind in going into this. I will tell you that my own submission was for a totally different view. I thought somebody from the outside would have been a better candidate. When it came up for discussion, it was noted that one candidate [inaudible] appointed came from the Noncontracted Parties House, and since GNSO was a representative body, it would be useful to represent all of the structures in the GNSO by having the second person being from the Contracted Parties House.

I don't think we should [resile] from accepting that the GNSO Council is in fact a—GNSO is a representative body. I believe that it was a nuanced assessment as we had presciently thought about that was required in this case, but it is the Council's position that if you want to have an affirmative action policy for representation, then that would be instituted, but in this case, it was left to the SSC to make a nuanced assessment, and I thought we did fairly well in making that nuanced assessment. Thank you.

PHILIPPE FOUQUART: Thank you, Carlton. So I'll turn to Maxim. Thanks for waiting.

MAXIM ALZOBA:

I have a few notes. First of all is that as I understand, the decision of SSC was unanimous, and it means IPC supported it. Secondly, as I understand, usually SSC cares about the best combined team possible when the section is made for a few candidates to ensure that it's better for the process. And thus, I come to the conclusion that it was a personal comment, because IPC supported it, and please, correct me if I'm wrong. Thanks.

PHILIPPE FOUQUART:

Thank you, Maxim. I won't correct you, because I think you're correct. All constituencies are represented in the SSC. However, it's also up to other councilors as directed, whenever appropriate, by their SGs and Cs, to express their views here. But so far, there's been no request to defer the vote, for instance.

And I'll put it with my words, but what I heard from you, Carlton, is that to a large extent, the SSC for once has been spoiled with excellent candidates and there had to be elements to sort of make a decision that was [inaudible] and we can all understand that's really difficult to take. But we're all grateful that the decision was taken. I think that that's my own personal—for what it's worth—outlook on these things.

But with this, and absent any more comments on this, I think that was important, that we have that discussion. I think we should also take that onboard, and picking up on Flip's comments for future EOIs and make sure that the guidance to the SSC is as precise as possible, although I think in this instance, it was indeed precise.

So with this, I'll turn to—oh, Pam, you have your hand up. Pam.

PAM LITTLE: Thank you, Philippe. I can wait until you finish. I just want to make a comment about this item.

PHILIPPE FOUQUART: I am finished, so please do.

PAM LITTLE: Thank you. So, having heard from Carlton's explanation and [Flip's] comment, I wanted to say that it seems to me we could have done a better job, the Council, when we call for the second candidate, because we actually knew the first representative from GNSO was indeed from the IPC. And if we feel that balance is important, then perhaps in our call for expressions of interest, we could have made that explicit, that we are seeking candidates from the Contracted Parties House, given there is already one from the Noncontracted Parties House.

But in hindsight, every fool is a wise person, so that didn't happen, unfortunately. So then the next question is, there was a set of criteria in that call for expressions of interest. So the question to me is whether it is open to the standing selection committee to consider a candidate's rating or ranking or their suitability in addition to the announced criteria in that call for expressions of interest.

So I think that is something that I feel we could probably look for guidance from the charter itself, and my reading of the charter, and having looked at this issue, I have a close look of the charter for the SSC. And I also discovered that that charter was actually revised in May 2018, and the charter of this SSC was originally intended for selection of candidates to various ICANN review team efforts.

So you can see the charter still makes references to the review team, but the principles applicable to selection, I think, still apply. And one of them, I just want to bring to your attention, under principles of the charter, point seven said that SSC shall strive, as far as possible, to achieve balance, representativeness, diversity and sufficient expertise appropriate for the applicable selection process.

So it goes on to say any stakeholder group which nominated candidates for review team—although the reference to review team isn't appropriate here, but as I said, it should be still applicable, but did not have a candidate selected for that review team, should be preferred as a qualified applicant from their stakeholder group for one of the three guaranteed slots for the next GNSO review team-appointed process.

This is obviously specifically for review team, but I just want to draw that reference to say that it seems to me it is open to the SSC to take into account the diversity consideration when they finally consider all the applications regardless or in addition to the published criteria. That's my own personal reading, so I would welcome actually other people who are more familiar with the history of the SSC charter or the operation of the SSC to actually

weigh in to see whether my take of that particular principle is actually the intent of that particular provision. Thank you.

PHILIPPE FOUQUART: Thank you, Pam, and for this, Carlton, as the SSC chair, you'll have the last word on this.

CARLTON SAMUELS: Thank you, Philippe. I just want to echo what Pam was saying. When I got the message, I actually went back to look at the charter, and I also noted that the charter expressly suggested that the SSC's work should strive for diversity and balance and so on. So I looked at it and I looked at the discussion and where it came up from the polls and comments in the poll, and I was even thinking that perhaps one of the things that we could have done a little bit differently was to make sure that in setting out the terms of reference, the SOI, we refer to that in the charter, because quite frankly, before we started the discussion, none of us in the SSC had actually [inaudible] on that specific topic.

We had looked at the analysis [on the stuff,] the three candidates were very closely ranked. I do believe that most of our first line candidate did not come out that way. But what happened was that in looking for—we were reminded of the representative nature of the GNSO, the fact that we sought balance and we sought diversity, and that is why I think we had a unanimous decision about who to report. Thank you.

PHILIPPE FOUQUART: Thank you, Carlton, and thanks for the background. So you're referring to the mandate of the SSC that would be complementary to the EOI in practice, and that's a point well taken. So Flip, you have the last word, and if you would be brief.

FLIP PETILLION: Absolutely. Thank you very much, Philippe. I just wanted to thank clearly Pam and [Sam] for their statement that a better job could have been done. I think you understand that for people like me, who participate in this community on an unpaid basis who invest a lot of time and effort, it really helps that you have made that statement, and I will note it. Thank you very much.

PHILIPPE FOUQUART: Thank you, Flip, and I can only second those thanks. So with this, and absent any more comments on this, we'll go to our vote. Nathalie.

NATHALIE PEREGRINE: Thank you, Philippe. Just to confirm, this will be a voice vote.

PHILIPPE FOUQUART: Yes, it will. Thank you.

NATHALIE PEREGRINE: Thank you very much. Would anyone like to abstain from this motion? Please say aye. Hearing no one, would anyone like to vote against this motion?

JOHN MCELWAINE: Sorry, Nathalie, I need to abstain.

NATHALIE PEREGRINE: Thank you, John. Would you care to state your reasons, please?

JOHN MCELWAINE: Kind of getting to my point into the chat, the IPC just has not had a chance to deliberate on this and for me and Flip to get instruction. There's nothing to do with any issue with Donna Austin's candidacy. Thanks.

NATHALIE PEREGRINE: Thank you very much, John.

FLIP PETILLION: So, Nathalie, Flip Petillion abstains as well.

NATHALIE PEREGRINE: Noted. Thank you.

FLIP PETILLION: Thank you.

NATHALIE PEREGRINE: Would anyone like to vote against this motion? Please say aye. Hearing no one, would all those in favor of the motion please say aye?

UNIDENTIFIED PARTICIPANTS: Aye.

NATHALIE PEREGRINE: Tatiana Tropina, proxy for Farell Folly, please say aye.

TATIANA TROPINA: Aye.

NATHALIE PEREGRINE: Thank you. With two abstentions, no objection, the motion passes. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Nathalie. Just in conclusion, I can only repeat what Carlton said on this in that we should count ourselves lucky to be in this situation, really. Although we could have done better, it's also a result of having to choose between extremely proficient and experienced candidates, and that's recognized in the motion, in the resolved of this, but it's not [inaudible]. I think this is really the result of that, and thanks to all those candidates. We'll do, certainly, better next time.

So with this, moving on to our next agenda item, the briefing from the CPH. DNS abuse group. So, as you all know, DNS abuse is a topic that has kept us busy for some time, not only in the context of SubPro that considered the recommendations of the CCTRT on this, but it remains a burning topic given the approval of the SubPro final report, but you would have noticed the SAC 115 report on this as well as the [recurring] comments from the GAC. So with this, I welcome guests from the CPH, Reg Levy, Brian Cimboric and Jim Galvin. Welcome to you all, and for this, I'll turn to Pam for the background. Pam.

PAM LITTLE:

Hi, Philippe. Thank you. And I won't take up too much time at all. I think on the Council meeting agenda, everyone is aware DNS abuse as a topic came to Council sort of through a bit of a windy route because it came out of some CCTRT review recommendations, went to the Board, and then the Board passed through some of those DNS abuse-related recommendations to the SubPro working group, and the SubPro working group co-chairs then wrote to the Council suggesting a holistic approach rather than having DNS abuse addressed in new gTLDs or future gTLDs. And then it landed on our radar, and it's been on our radars and planned work for some time, which Berry and Steve just took us through.

And the Council has been, although has not taken any action, but been just closely watching the community discussion on the topic of DNS abuse over the last little while. I think it's almost two years now. And so we do recognize the different conversations going on, different effort going on, including the CPH, the Contracted

Parties House has a DNS abuse group, and there's been some work done there and still some work ongoing.

So the purpose of this briefing from the DNS abuse group from the CPH is really just for information as well as level set to make sure the Council have better understanding of some part of the community effort, including this one. So with that, I would hand over to our guest speakers. Take it away. Thanks.

JAMES GALVIN:

Thanks, Pam. Let me first say thank you on behalf of all of our co-chairs, Reg Levy and [inaudible] from the registrars and myself and Brian Cimboric from the registries. We appreciate the opportunity to tell you about what is happening with respect to DNS abuse actively on the side of contracted parties. Next slide, please.

I'll spend a little bit of time going through an introduction. The purpose of that is just to set context. We operate in a certain space, we have a certain perspective about DNS abuse, and as you have seen, obviously, and I'm sure your future discussions here are going to get into, there are a lot of perceptions about DNS abuse.

And it is important to think about where do we fit in that larger space of DNS abuse, and from that perception, think about what we can do, if anything, going forward that's different than what's already happening. So I want to take some opportunity to set some context and talk through that a bit. Then Brian will pick up and tell us about what's going on in the registries today. You'll

note that we have separate DNS abuse working groups, one on the registry side, one on the registrar side.

We also have a joint DNS abuse working group where we get together as a very large group and we work on things together and you'll see more about some outreach that we've been doing towards the end here. Then we'll come back and mention some comments on SAC 115. Pam had prepped us on the idea that you want to see if we have anything to say about that, and we'll just offer some comments that came out and some discussion that we had about it, and then we'll end with some Q&A wherever you would like to go. So, Next slide, please.

Perhaps the most important message that we'd like you to take away from this whole presentation is that CPH is proactively combating abuse. We do this every day, and just all day long. Most of us have teams—not all. Some people have much lower volumes and so they don't need dedicated staff. But there's a lot of activity. It is not something which is just sitting latent on the side, on a shelf in some way.

And it's important to say that. It might seem obvious to say that, but as you know, with all of the discussion going on in the community about DNS abuse, a lot of different perceptions about whether abuse is being handled or not handled, the process by which it's handled, really do want to emphasize and restate the very specific message that we are working to combat abuse, and it is an active activity for most registries and registrars, especially those that have a certain flow and churn in their registries. So that's important.

The next thing is that although there is DAAR—and I'm sure that you've seen it and heard about it and had some reports about it—one of the messages to take from this is that no statistic is by itself a complete message. Take for example that even with DAAR, last year, there was very obviously a downward trend in DNS abuse as reported by DAAR. So the set of statistics that it gathered reflected a downward trend in the existence of DNS abuse.

But contrast that with the fact that if you look at the US Federal Trade Commission report for example, which is commonly talked about in ICANN circles, the victimology of Internet abuse is growing substantially. There was a huge increase in the number of victims and losses associated with Internet abuse, a huge increase in scams and all kinds of activity.

COVID all by itself represented a certain blip in some spaces in terms of some scam activity that went on. But what's important to understand is we are not a part of all of that. The Contracted Parties House, and even ICANN community itself, we don't have a role to play in a lot of that abuse. Internet abuse is horrible, we all agree, but what we do and what we're acting on is actually at least under control as much as we can keep it under control.

And it is fair to point out that even DAAR in this first quarter of this year demonstrated a little bit of upward movement in statistics. And this is another thing to point out about why statistics all by themselves are not a complete picture, and that's because we don't control the existence of abuse.

It's worth pointing out that the SSR report in particular suggested that a threshold should be set, and registries and registrars should

be held accountable to that threshold. Well, here's another very clear message that needs to be passed on. That is not a solution to the DNS abuse problem, and it's not a solution to Internet abuse at all.

And for our purposes on the contracted parties side, the critical point here is that we don't control the existence of abuse. It really would be wrong in just a flat out face value sense to hold anyone accountable for something they can't control. You can't set a threshold when there's no way to know whether or not you might exceed that threshold and there's nothing you can do about it. All you can do is act on abuse as you see it and what's in front of you.

The last thing that I want to touch on in this introduction is this framework for DNS abuse. It's worth pointing out that this was a voluntary effort that launched in October of 2019. There were 11 signatories back in those days when it first started. They were registries and registrars who all got together, created this overarching framework. The number of signatories is up to 48 now. It's just a voluntary thing.

But there are two elements of that framework that are worth pointing out in particular. One is the DNS abuse definition, and it's important because it has actually been endorsed by the two stakeholder groups, registries and registrars. And if we jump to the next slide, please, it will show you—in particular, this is the DNS abuse definition. And it actually has definitions for malware, botnets, phishing, pharming and spam. This definition aligns with what's in our contracts.

What's important to gather about this definition is that it has a very particular characteristic, each of these five elements, and it's the reason why they are the minimum bar, if you will, and they are what's present in our contracts and it's what we all agree to align to. And that is that it is technically and objectively clear and present abuse.

Those two characteristics of technical identifiable and objectively identifiable. There really isn't any question about that. It becomes self-evident, the fact that these things exist or don't exist. And those are critical characteristics.

We also often like to draw the line between DNS abuse and website content abuse. You'll often hear that distinction made. And when that distinction is offered, there are folks who like to suggest that phishing and pharming represent—and spam sometimes represents—examples of content abuse.

And the important thing to point out is while there are examples of content abuse that fall into the category of phishing and pharming, the phishing and pharming that we're talking about here is technically identifiable, it's objective, it's not subject to any evaluation or just assertion or review or subjective determination. And those are critical characteristics and are very important. It's what allows us to take action and act on those things.

Another important thing to take away from this definition—and I'm sorry, let me ask that we move to the next slide here and look at this—is that we are not the only player in the DNS abuse ecosystem and in the Internet abuse ecosystem. As you can see here, the contracted parties represent the right-hand side of this

picture. It's the dashed green box, registries, registrars, resellers if they happen to exist. We are DNS actors. We have the ability to influence the operations of DNS.

We actually don't have any influence over actual content. That all exists on the left-hand side. It's over there with the registrants. So it's important to recognize that we are a very small part of the overall ecosystem. Hosting providers, site operators, there are a variety of things that you do with a domain name, not just website content. Our ability to influence abuse as it's present on the Internet is limited with exactly one lever. There's really only one tool that we have in our toolbox on this side of this picture in the ecosystem, and that is to remove a domain name from the zone file, to do a takedown, to execute a delete or a suspension.

That's a very blunt instrument, and the major risk there is collateral damage. That's a nuclear option. It might not be the only thing going on at that domain name. And that's why the technical and objective definition characteristics of domain name abuse are so important. We're looking to be certain that that is the sole purpose of the domain name and we're looking to make a proportional response.

If the name is being used solely for those forms of abuse, then the proportional response is a takedown, and that's what we do. If that's not the only thing a name is used for, we care a lot about collateral damage. We care a lot about being proportional in how we respond. We want to give the registrar an opportunity to contact the registrant and let the registrant go deal with the issue. Oftentimes, they can.

Of course, all of that takes a little time, so it's not instantaneous. But it's very important to recognize those parts of the system and the ecosystem and where we fit in that ecosystem as part of that larger picture.

And with that, I'm going to hand it off to Brian Cimboric to pick up with the registrar work. Brian.

BRIAN CIMBOLIC:

Thank you very much, Jim. And just one other point while this chart is up. This is a helpful chart, this is also in part replicated in the framework to address abuse. But this chart is also helpful not just in the distinction between DNS abuse versus website content abuse, but also the way, the granular nature that actors on the left side of this line can act in a way that registries and registrars can't. And that's also particularly helpful in an instance of compromised domains.

When we talk about DNS abuse, and especially levels of DNS abuse, what's often lost in that sort of high-level understanding is the distinction between compromised and maliciously registered domains, where if you have—there might be an actual phish, but if it's on a compromised domain, a legitimate site that—often it occurs at the hosting provider level, someone loses access to their credentials, a phishing page is put up on an unwitting registrant's domain, again, the registry and registrar, our only response there from a technical level is to suspend the domain name, where the more appropriate response is to actually work with the registrant through the hosting provider to get that situation

resolved. So just wanted to add one little comment on this chart before we move on. Next slide, please.

By the way, I should introduce myself. Sorry. Brian Cimboric, I'm general counsel at Public Interest Registry and co-chair of the registry abuse group.

So just a high level of some of the things that we're working on in the Registries Stakeholder Group abuse group, one of the projects that Jim spearheaded was the DAAR working group which put together a report that had a number of findings and recommendations to sort of improve DAAR. DAAR was out there for a period of time and the working group put together some really great recommendations intended at making DAAR a more useful tool not just for registries but actually for the broader community.

Reg is going to speak to our outreach, but the outreach is very much intended to affect our outputs. So in both the registries and registrars, we have put out a number of documents and continue to work on a number of documents aimed at contributing to the communitywide conversation on DNS abuse.

The first document that we put out as the Registries Stakeholder Group was registry operator available actions, and that's available on the Registries Stakeholder Group site, and it details based in part on some of the work that registries previously did with Public Safety Working Group the sort of limited menu of tools available to a registry operator in the event that it's determined that there's DNS abuse present. So describing the effects of suspending the domain versus locking versus transferring the domain, so really

just sort of baseline understanding setting for the broader community about what a registry can do.

I'm going to jump down to the last bullet and talk about things we're currently working on as well. We're currently working with the GAC Public Safety Working Group on another framework, and that is a framework for registry operators to respond to malware and botnets at scale.

Some of you might recall the avalanche botnet takedown that happened in 2016, and it was literally hundreds of thousands of domains spread across a number of gTLDs and ccTLDs. And when you have those really high-impact instances of abuse, it requires an immense amount of coordination, not just between law enforcement but between law enforcement and the registry operator, because the registries have to, in order to mitigate the threat of the algorithmically generated domains, requires us to either create or reserve the domains at a particular time.

So we've described this as sort of low frequency but high impact instances of abuse. So having a paper that describes not just for law enforcement but registries what to expect when you're faced with one of these, we hope to be really helpful in the event it comes up again, which they have been each year.

We're also working very much interested in hearing from other parts of the community as far as where can we be helpful, what are some other outputs that we can work together on to help advance the conversation? And so as a result of some of our outreach, it's informing our outputs, and we're going to be working on a framework around trusted notifiers, what that looks like when

you work with a contracted party in a trusted notifier relationship, as well as evidentiary guidelines for reporting abuse.

So this is intended that for anyone that wants to make a referral about DNS abuse, what kind of things would be helpful in that referral so that your report is much more likely to be actioned upon by either the registry or registrar.

So that's what we're working on at a high level, and with that, I will hand things over to Reg Levy.

REG LEVY:

Thanks, Brian. Next slide, please. Thanks. I'm Reg Levy from Tucows, head of compliance, and co-chair with Luke [inaudible] of the registrar DNS abuse subgroup. We've been active for some time in both combating abuse within our individual namespaces as well as promulgating whitepapers on the topic and have published a guide for reporting various types of DNS abuse, including the types of evidence that registrars require in order to adequately investigate and act on those allegations.

We've also published a breakdown of how different registrars reacted to the early 2020 crisis surrounding misinformation and scalping with regards to the coronavirus protective measures. This included a collection of evidence on abuse of domains and the relationship—or actually the lack thereof—between abuse and the domain name. In short, DNS abuse is rarely related to the domain name itself and vice versa. And we are able to prove this with the evidence gathered specifically for the coronavirus issue.

In the aftermath of the enforcement period for GDPR beginning, we also created and published a document to help people making requests for previously public WHOIS information, and that continues to be useful for both registrars and requestors.

We continue this important work in various areas, including an in progress whitepaper on incentivization programs to provide a carrot to registrars that are working on combating DNS abuse in their individual namespace to complement the blunt stick that ICANN has of breaching a registrar that's not abiding by their contractual requirements.

We're also working on a whitepaper that discusses how to protect registrants' interest with regards to allegations of DNS abuse. This includes material, actionable reports that include verifiable evidence, internal support-based appeals internal to the registrar to rebut and then if substantiated, to reverse suspension due to an abuse report, and the possibility of an independent third-party ombud who can review and provide guidance to the registrar. This also includes courts of competent jurisdiction, allowing registrants to use their local agencies to challenge a determination.

The Registrar Stakeholder Group is also looking into business e-mail compromise scams, a form of non-DNS abuse that we nevertheless feel we may be well situated to help with. Best defense against BEC fraud is internal corporate training. However, for registrars that want to go further, this whitepaper will describe additional practices, including an incident response team, extra tooling and data pattern review.

Another initiative that the Registrar Stakeholder Group is considering is a central resource for domain abuse complaints where someone can indicate a domain name they have a concern about, and the tool will provide information on how to contact the registrant, hosting company, reseller if applicable, or registrar as well as the description of what each level can help with regarding that complaint.

The Registrar Stakeholder Group is continually working on curtailing DNS abuse, and perhaps just as importantly, publishing our work so that the invisibility of scams that don't happen because we took action doesn't get forgotten. Next slide, please.

The Registrar Stakeholder Group and the Registries Stakeholder Group combined to form the CPH DNS abuse outreach have been meeting jointly with some regularity and have recently begun to meet with other ICANN stakeholder groups to get input about how those groups view DNS abuse. Typically, these take a Q&A format where we ask what information they use to determine DNS abuse levels, what their concerns are about DNS abuse and what practices contracted parties have that they have found to be helpful.

So far, we've already met with the NCSG, ALAC and BC, and we have an upcoming meeting scheduled with the IPC. We intend to continue these meetings, including repeatedly meeting with groups that we've already met with to maintain that dialogue around DNS abuse.

Future outreach will also include a registry guide to abuse reporting similar to the existing registrar guide but tailored to

registries' specific needs, a framework for establishing trusted notifiers for certain types of abuse, as Brian touched on, additional educational materials, and a registry addition to the registrars' work on evidentiary guidance.

We're also currently considering whether community questionnaire would provide reasonable output for the CPH DNS abuse subgroups and provide a means of various groups providing input about what they'd like the DNS abuse subgroups to focus on.

We're considering whether a DNS abuse newsletter to remind stakeholders of the resources available to them for making complaints and what contracted parties do on a daily basis to combat DNS abuse would be helpful to the broader ecosystem, and in information packet about what the DNS abuse subgroups are working on that can be included in ICANN meeting materials, both digitally and physically.

And now I will turn it back to Jim Galvin for the next slide.

JAMES GALVIN:

Thank you, Reg. And yes, next slide, please. So the Registries Stakeholder Group has had an opportunity to have a discussion about SAC 115. We had a meeting shortly after ICANN 70 and so we had it on our agenda. We did this in part because you probably have noticed if you've looked at the report that there were two Registries Stakeholder Group members who were part of the SSAC work party that produced the document, and of course, the

SSAC had also invited a PSWG member to join this work party to create this document.

What I want to offer is just some comments that came out of our discussion. I want to be careful not to represent them as a working group position or even a stakeholder group position. These are just comments that were brought to the surface during our discussion that were not objected to or criticized in any way during the discussion. So one might regard them as just tacitly accepted amongst those who participated in the discussion.

The first point is just observing that the SSAC's report on DNS abuse did take note of the fact that there are varying definitions of abuse. That, I think, is probably one of the more challenging contributions to this continued DNS abuse discussion in the community. There is a particular space in which we operate and work, and victims, as one might expect, always come forward with their own ideas about what is abuse that we should or shouldn't have to deal with.

And although they recognize that there are different versions of abuse, it is fair to say that they also bias the discussion in their document around the definition that we all honor and respect ourselves that came from the abuse framework and of course is in our contracts.

A second point that came out of the discussion was that much of the discussion in the SSAC document is from the point of view of the victim. But that's also true in general of the ICANN community when talking about DNS abuse. People who have different perceptions about what is abuse and what should be done about it

are typically coming at it from a victim's point of view. I'm sure that from their point of view, the abuse absolutely is valid and it's a crisis. At some level, they're a victim and they want it dealt with, and they're coming at it with the hammer that they see in front of them, because we are the nail and we should be beat into place.

So it's important to keep that in mind when you think about abuse. You really have to scope what kind of abuse you're talking about and then examine what else it is that you think you might or should be able to do about it.

The third thing the report got into is the need for greater interoperability between all parties. Remember the discussion of the ecosystem. There's a pretty big ecosystem out there of abuse, and so there's a lot of opportunity for a number of different players to act.

We are doing our part and we are now moving in a path of wanting to do more with each other. The registrars do have a reporting guidelines document where they talk about what they're looking for from reports and what they're going to do with that. The registries are going to add to that, and we'll be looking at it from both ends, what we expect as reporters, with stuff coming to us, and we'll work with our registrar colleagues to talk about our interactions with them.

So we're going to do our part to address this need for greater interoperability. But there are other parts of the community that are not part of the ICANN community, and SSAC pointed that out and observed the need for that and some greater interoperability there.

Some things that were in the report which interestingly are things which really were already on our agenda and they have been mentioned earlier, but the SSAC report does talk about these things too, there is a need for greater evidentiary guidelines. We really do need a bit more consistency about how to report abuse.

I can say on behalf of all of our contracted party members, one of the single greatest things that we often have to deal with is low-quality reports. I'm sure that it can feel to a lot of people that they submit a report and nothing happens. Well, a lot of that is in part because you really haven't given us what we need to act. We need to see the evidence, we need to be able to technically and objectively see that abuse and identify it. And if we can't, it really makes it problematic to execute on anything and try any kind of mitigation.

But that brings us to another thing which we are going to do, and in fact, the SSAC document talks about this, is we are going to look at defining and specifying a trusted notifier framework, a way in which reporters not only can know how it is that they should make a report to get better action, but also what it means to be a reporter and the process by which you might consider becoming one and what it would take to do that. And we want to lay all of that out, because we believe, as we've heard from our outreach sessions, that people would like better guidance and more knowledge about how all of that works and how to contribute better to the system.

And with that, we can jump to your next slide, which is the end. And I will turn it back to—I'm not sure whether it's Pam or Philippe,

but I'm sure one of you will pick it up, and the three of us are here to answer any questions that you might have. Thanks.

PHILIPPE FOUQUART: Thank you, Jim. Pam, do you want to handle that? We may have some time for questions.

PAM LITTLE: Thank you, Philippe. So I can see a hand from Mark already. Mark, go ahead. Thank you very much.

MARK DATYSGELD: Thank you very much. It is incredible to have this conversation here at the GNSO Council. It became very clear during ICANN 70 that we need to start really taking this in the community's hands and that we need not to rely so much on the Org and get our own conversations going. So it's incredible that you all could present to us today.

I would like to add some perspective, and this is neither for or against anything said in the presentation, it's more of a context thing. Where I see why people look so much to the contracted parties to help solve these problems is that from a technical perspective, we could all be hosts here, we can all turn our computers into a host and make a website, and just put it there. It would be very prone to crashing that server, but at the end of the day, any computer can be a host, and that market is super fluid. It's very dispersed. It's all across the world. There's literally

thousands of companies doing hosting. It can be really hard to get at them depending on what's going on.

On the other hand, here we have a community that has—it's a free market and all that, but it's regulated on some level. It has some structure. The players are more or less known. And we have the access to them, and I think that's why at least looking at it from the commercial perspective, there is a great interest in understanding how can we cooperate, because we are here, we're all in the same space, these are known faces.

So what I would like to really see in the future, it would be great to understand how exactly—yeah, just to answer Maxim, of course, CPH is not about hosting. Exactly. Not talking about that, but we can clarify in chat. But what would be interesting would be to see how the definitions on spam align, for example, because apparently, our definition that we have in our head versus the one that you guys have been working with is a little different, and to really understand that would be incredibly helpful. Is there consensus on your part on what spam is, or small divisions of understanding of what spam is from your side? And by aligning all of that, it would be super helpful in moving these conversations forward. So I would like to first of all commend the discussion that we're having and also stimulate and prompt that you guys help us understand better where you are in some of these questions. If we're not speaking the same language, then how can we get there? Thank you very much.

PAM LITTLE:

Thank you, Mark. And yes, it's remiss of me not to thank our guest speakers. Thank you, James, Reg, and Brian, for that very comprehensive update. And I hope our councilors now have a better understanding of what the work that the contracted parties, registries, registrars are doing.

And just bear in mind there are things that are within ICANN's remit and that are also within the contractual arrangements, registry and registrar agreement, for example, so there are constraints. And from the presentation, you can see there's a wide spectrum of abuse activities in the ecosystem, and there are only certain things that the registries or registrars are the appropriate parties to take actions, and those actions need to be proportional.

So to Mark's question about spam, my understanding is ICANN doesn't even regulate spam, but in the Contracted Parties House-developed framework, they do touch upon spam. Spam would only be [addressed] if the spam is used to deliver some of the abuse activity like malware, botnets and etc. But I will turn to our expert guest speakers to see if anyone would like to address that particular question about your thought about spam or definition.

JAMES GALVIN:

I'll jump in first and just make the important contribution that going back to the beginning where we talked about the definition of DNS abuse from our side, there's an important characteristic of those five categories of DNS abuse, and that is that they are technically and objectively clear and present. So it's self-evident, there's just no question that it is abuse.

The important thing about spam is people latch on to the word “spam” and they often forget the rest of the phrase, which is spam insofar as it is a distribution mechanism of the other four. So it’s not about spam in the general sense and trying to have anything to do with combating it in any way. It’s only about when it just happens to be that within the context of some kind of spam method—and e-mail is sort of the favorite one, but there are a variety of those, SMS is becoming very popular these days as spam—it’s about whether or not a domain name exists in there that is used to help to distribute one of the other four types. So again, it comes down to being able to judge in a clear and present way the technical presence of its distribution. And now I’ll pause and see if any of the others want to jump in and add anything to that. Thanks.

PAM LITTLE: Thank you, Jim. And if not, I see John’s hand is up. Over to you.

JOHN MCELWAINE: Thanks. Thanks, Jim, Brian, Reg, for coming out here. As a member of the IPC, I very much look forward to the meeting we’ve got scheduled and I just think that this work is terrific. I was curious as to whether you all have looked at the issue of the accuracy of registrant data in some of the work that you’ve been doing in this group and how it will help both you all be able to fairly and equitably deal with complaints or with victims’ complaints and make sure that the right people are being contacted and the right actions can be taken? I’ll just let whoever wants to comment on it do so. Thanks.

REG LEVY:

Thanks, John. Representing the registrar position generally, it is not always the case that somebody registers a domain name with bad information, seems to be the implication, to therefore enact abuse. It is more often the case that a domain name has been hijacked by a bad actor. So the accuracy of the actual data of the domain name is not an issue.

The domain is owned by Reg Levy at the address that she has given, and it was hijacked by some bad actors. So it's the registrar's task at that point to work with the domain owner to fix the issue, but that doesn't mean that the information for the domain name itself is going to be helpful in terms of identifying any bad actors. I know that Brian also wants to weigh in on this.

BRIAN CIMBOLIC:

Thanks, Reg, and thanks, John, for the question. And just maybe it's helpful too to take a step back and understand sort of our approach here, especially when we're working with other groups. It's really to try and focus on low-hanging fruit. Between the CPH or registries and registrars individually and another constituency, there's going to be areas of misalignment, but there's going to be more areas of alignment.

So what we're trying to do is to focus on the sort of Venn diagram overlap of what can we do together to address some of your current concerns that address some of our concerns and sort of tread a path forward on what's already common ground and agreed upon. So with that in mind, so far, we have not treaded

into the sort of privacy area as it overlaps with DNS abuse, we're just trying to address the identification and remediation of DNS abuse in the most helpful way we can without getting bogged down in those sort of meta issues. We're trying to focus on a few singles before we try and swing for the fences on things like this.

And we think it's a good way to get some progress. As Reg and I have already outlined, we have a number of output documents that we hope to do more, and we hope to do more that are directly responsive to our friends and colleagues in the other constituencies. We want to hear from you and better understand what are those areas of shared understanding and interest and what can we do together.

PAM LITTLE: Thank you, Reg and Brian. John, would you like to respond, or is that an old hand?

JOHN MCELWAINE: One quick follow-up question, Pam, if you don't mind. I don't know if the folks on the call here have had a chance to see the Action Decision Radar that we have, but is there any Work Streams that the GNSO Council has not tackled that you think would be helpful for us to be working on to assist you in your work on DNS abuse?

BRIAN CIMBOLIC: Admittedly, I have not seen that, John. I don't know if Reg or Jim have.

JAMES GALVIN:

I would just say not in particular. We are actively managing our own agenda and task list and just trying to—we're reaching out to others. We're looking for that opportunity to hear the pain points and try to move things forward. We're not having any issues with that. Our outreach has been quite successful up to this point, and it looks like it will continue to be.

So at least for today, I don't have a particular ask. I don't think that we have one, because we're doing quite well in meeting with the individual groups and moving forward. Now, we haven't met with all of them yet, to be fair. As a quick reminder, we have IPC we're meeting with next week for the first time, and we have SSAC and ccNSO that are just scheduling in progress at the moment. But we do expect to sit down with them, along with we already met with NCSG, ALAC and BC, and as we've said, we expect to continue to meet with them on some semi-regular basis as we progress work looking for how to make things better. So I don't see a need for auction proceeds particular ask because everybody is working with us and collaborating and partnering. I don't think there's anything that the GNSO could add right now, at least to what we're doing. Thanks.

BRIAN CIMBOLIC:

and if I could add too, Jim, and not on the particular roadmap, but just in general, John, yes, engagement. That's what we want, and one of our pillars of our working groups is outreach. So the more you can encourage folks in your various constituencies and groups to come to the table with ideas and see how we can work

together, I think the better served each of our respective groups and we as a community are going to be.

REG LEVY:

Yeah, and I think that it was illustrative for me to be here for the discussion of the current Work Streams. I have no disputes with how they are currently ranked, and I think that having the GNSO try to deal with DNS abuse is superfluous since it's being dealt with currently through the outreach. I think that its current status of being unplanned is appropriate.

PAM LITTLE:

Thanks again, and thanks, John, for the question and that discussion. I guess that will be a continued conversation within the Council as to whether Council should—to play what role in this area of work.

Because of the time constraint, I just want to acknowledge that the outreach work the CPH DNS abuse group seem to be doing is really important, and I think it goes to what Mark commented earlier about collaboration. There are so many actors in this wide spectrum and space, even including ccTLDs. At ICANN, we only deal with gTLDs. So I'm really pleased to see that outreach effort ongoing. But as a Council, I think this is our first guest presentation on this topic.

So for our councilors, really, it's to think about whether we need to hear a different perspective and different concerns. And today, we had an opportunity to hear what the Contracted Parties House are doing, but perhaps other community groups that are doing a lot of

work in this area like SSAC, they have issued a number of papers touching upon DNS abuse, if there is interest from the Council to invite SSAC or other groups to give us a briefing or update about what they're doing, what their concerns and perspective.

So I would probably suggest we continue that discussion, and if councilors have any particular suggestions, please feel free to send that to the Council mailing list and because of time constraint, we would probably wrap this up, and please join me in thanking our guest speakers from the contracted parties, again, Jim, Reg, Brian, thank you so much for joining us.

PHILIPPE FOUQUART:

Thanks, Pam, and thanks again to Jim, Reg and Brian for this. Looking forward to next steps. So with this, I'd like to go back to our agenda. and mindful of time, we considered removing some of the last items, but given the nature of our discussions, we'll try and catch up with lost time, but still, I think it's important that we have that discussion. We are likely to exceed the allotted time by 10 to 15 minutes. We'll do our best.

So with this, let's go to item six, that's our discussion on the IGO Work Track update and our acknowledgement of the workplan. As you would recall, a couple of years ago, the Council approved the four recommendations of the IGO/INGO access to curative rights protection mechanism PDP working group, and the recommendation five was further reviewed to direct the RPM PDP to accommodate a number of constraints, namely the immunity that some IGOs have, the ability for registrars to file proceedings

in court, the rights to UDRP or URS as well as those approved recommendations.

The Work Track, as you would recall, was launched in February this year, and John McElwaine is our liaison to the PDP, so I'll turn to John for that update.

JOHN MCELWAINE:

Thanks, Philippe. I can probably get us caught up here a little bit on the agenda. So as you said, we held our first meeting on February 2nd and we've been meeting on a weekly basis as the working group for hour-and-a-half calls.

As you can see, this is the initial proposed workplan timeline. You can see a little in gray at the 22nd of April update. So we've got a few more months of work to do.

At this point, we should have been providing a revised workplan, making any revisions that the working group thought would be appropriate to this. We're not quite there yet, but I wouldn't say that this working group is off track. There's actually been very good and constructive discussions going on.

They are struggling a little bit with the scope restrictions of the charter, but lots of ideas are being bounced around and people are generally positive that we can come up with some recommendations, even some that might be tweaks, etc. that we'll discuss here at the Council level.

I believe that in either May or June, I'll be back to you with a more substantive update where this group is headed. We do kind of this

go/no go at the May 20th meeting. But that's basically where we are, is still having constructive discussions and the next step would be getting back to the Council with workplan or discussion concerning the restrictions. That's it. Over to you.

PHILIPPE FOUQUART: Thank you, John. Any questions or comments on this? Seeing none, thanks again, John, for the update, and looking forward to the next one. Thanks for catching up with our agenda time on this. The next agenda item is seven, the status update regarding the EPDP phase 2A by the liaison. I'll do that as my capacity as liaison to the PDP.

As you would recall, we were committed to providing a brief verbal update to the April meeting. So now the working group is five weeks away from the final report. There's been a tremendous amount of work and effort put into that by the EPDP members on the two topics that they're chartered to work on. At this point, I think it's fair to say that as it relates to the update made during the March meeting by Keith, the chair of the PDP, there's no stumbling block as such identified, but [expectedly,] this is crunch time for the report.

On substance, on the feasibility of unique contacts, the group is now considering the question of whether or not having a uniform anonymized e-mail address is feasible, and if so, whether it should be requirement or a guidance to the contracted parties. The team is currently reviewing the responses provided by Bird & Bird to their legal questions, and they're coming up with the document that would lay down the basis for the final report.

On the second topic which the group is chartered with, the legal versus natural distinction, the EPDP is reviewing the various approaches, i.e. the positions from the SGs and Cs involved in the working group and whether any updates are required to the EPDP phase one recommendations, i.e. permission but no obligation to differentiate between legal and natural contacts and what guidance can be provided to those contracted parties who would like to differentiate between legal versus natural contacts.

So you see that these approaches are building up from the report that we had during the March meeting in terms of coming up with guidance as opposed to policy. Again, this is decision time for the working group. They're moving to two meetings a week to address these issues, but nonetheless, the working group is hopeful that they can converge to consensus for their report within five weeks.

So this concludes my quick update on this, and happy to take questions or comments. I see Maxim.

MAXIM ALZOBA:

I have two questions for the GNSO Council leadership. The first is, given that effectively, Council granted the working group extension for few months more, do we feel like it's the last extension for this particular EPDP phase? And the second question is, do I understand, if it's going to be the last part of this EPDP, or do we face EPDP 3 or EPDP 2B in the future? Thanks.

PHILIPPE FOUQUART:

Thank you, Maxim. I don't know whether Pam or Tatiana have a view to share on this. I think it's a bit early to say. And when you

say extension, yes, you're not talking about an extension to phase 2A, you're actually talking about having issues that were initially phased into a PDP and then were carried over to a follow-up. I think that's what you mean. And the fact of the matter is—and speaking personally—it really depends on the conclusion of phase 2A, but also on the external elements. And I'm thinking about the evolution of the regulatory environment. There's a lot of talk about NIS2 at the moment. There are elements in there that are relevant to personal data protection. There are a number of discussions within the EPDP on that subject, at least the likelihood of seeing those evolutions having an impact on WHOIS moving forward.

So I guess it's a long, rambling answer to say that it's a bit early to tell. We will have to wait until the conclusion of the EPDP phase 2A. I don't know if that's helpful, but that's pretty much all I can offer at this point. And I'll see whether Pam or Tatiana would like to add anything on this before I turn to Kurt. Pam.

PAM LITTLE:

Nothing from me, Philippe. Thank you for your update. I just think we should allow the time as agreed until May to see whether consensus is possible, and we can decide next step then. Thanks. Kurt.

PHILIPPE FOUQUART:

Thank you, Pam. Kurt.

KURT PRITZ:

Thanks to both of you. And Pam's comment is a good segue. In getting ready for the next update in May, which is going to be more impactful or meaningful for us, is there any actions or things we should be doing as councilors to be ready to have that discussion? And I'm not clear, are we going to be called on to vote or approve in some way the continuing work of the EPDP phase 2A, or is it pretty much left to the recommendation of the chair of the EPDP and you, Philippe, as the liaison? That was a bit rambling. So, is there anything we should be doing to get ready for the May briefing? And what will we be asked to do after the May briefing?

PHILIPPE FOUQUART:

Thanks, Kurt. So in terms of—I think there are two questions. First is what is Council expected to decide by May, and the answer is at least to have an inkling of how likely consensus is and whether there's a chance to come up with at least a first draft of an initial report. And we'll be voting by the summer on this. That's what's expected from Council on this. So that's to the first question.

The second, what can we do to prepare for that? I'm hesitant to encourage you to have a look at, for example, the responses from Bird & Bird. Those are quite enlightening, and they are available on the EPDP phase 2A workspace. However—so at least as background, I think that would be useful.

Now, if the PDP team is now working twice, three hours a week to try and come up with a common approach on this, there's a reason for that, and the reason being that it's not a trivial exercise. I hope I'm being helpful. That's certainly something that would

help councilors to get accustomed with the questions that they will be asked in approving the final report, bearing in mind that some of these topics are a bit dry and it may be a bit dry topic. Looking for the English word. It's getting late here, but I hope I'm making myself clear. Pam, on this?

PAM LITTLE:

Not on this. Sorry, Philippe. We're right on top of the hour, I'm just making a point of order suggestion, maybe we wrap this item up, skip the next item on the wrap-up of the extraordinary meeting, we send an update via e-mail on the wrap up from extraordinary meeting but spend maybe a few minutes and extend—sorry, councilors, can you stay for a few minutes? There are a few important items under AOB. We can go straight into AOB. Does that work for everybody?

PHILIPPE FOUQUART:

Thanks, Pam. Mindful of time indeed, we'll do that wrap-up by e-mail. That's fine. And then we'll go to item eight directly. So, point one, timeline for GNSO chair election. Nathalie, would you like to brief us on this?

NATHALIE PEREGRINE:

Thank you very much, Philippe. Yes, very quickly, the timeline for the GNSO chair 2021 election is drafted according to the GNSO operating principles as well as the deadline submitted by meetings team for potential tentative travel. Even though nothing is confirmed, we have got to stick by the more restrictive

requirements of the timeline, so that's what you can see on line two.

Nothing more on this except that the SG and C chairs will receive regular reminders as we approach each deadline, and today kicks off the announced proposed procedures [inaudible], so the timeline has officially started. That's it. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Nathalie. And so let's go to 8.2, the Council liaison to the SSAD ODP. And just as an update, we now have an EOI ready and it will be circulated shortly. We'll send it to the list and try and find a candidate for this. Given the timeline as quickly as possible, I think, is the right approach.

8.3, that's the GNSO review of the ICANN 70 GAC communique, so I'll turn to Jeff for this. That was initially in the consent agenda. So Jeff, would you like to give us an update on this?

JEFFREY NEUMAN: Sure. Thanks. So there are a couple volunteers working on this, namely Tom Dale, Olga Cavalli and Carlton. We've gone in—there is a link to what we've drafted as a Google doc. I can send it around later if it hasn't already been sent around. I think part of the issue that we've been a little bit slow on is that most of us on there have not been on the Council to draft a response to the GAC communique, so Olga and Tom are relatively new, or at least new to the extent that there hasn't been a communique in a year and a half, and myself of course, and I'm not on the Council so it's not really my place to write the substance of the text unless it's just

write some language on some—just copy and paste the resolutions.

So it's going a little bit—and Carlton's been on, but I do think that it would be great to get some additional volunteers, preferably people that have been on the Council, and participated in the last time we did a response. That would be very helpful for us and would also help us understand some of the context of a number of the Council discussions over the last several years that have related to things like the CCT review, EPDP phase 2A—of course, some of us have been on it—today and other times we've discussed that, but certainly what the GAC has provided advice on, has commented on, relates to decisions taken before I was on the Council, and I think before Tom and Olga was on the Council as well.

So just we have some stuff written, but I just didn't feel like it was ready to submit even in draft form officially. Would love to have one or two volunteers that have been on the Council. So yeah, that's the update. And once we have that person or two, we will absolutely get it out to the group, and if possible—I don't know what the latest rules are on doing a vote by e-mail, if that's even possible, but if it has to wait until the May meeting, we can do that too. Thanks.

PHILIPPE FOUQUART:

Thanks, Jeff. So we'll take that request to the leadership and make sure that we have those of us who might have the background to hopefully help you with this drafting exercise, and if possible, approve that by correspondence if we can. I have to say

that we'll have to double check in the future for that, but we'll see. But point well taken. Thank you. It's important that we keep that continuity. So, thanks, Jeff.

With this—and apologies for running over, it's now six minutes past 11:00 my time—just want to thank you for taking part, and wish you all a very pleasant rest of your day. Again, apologies for running over. We'll go back to you on item seven and the wrap up of our extraordinary, meeting and the next steps. Speak to you soon. Have a good rest of your day. Bye all.

PAM LITTLE: Thank you, Philippe. Thank you all. Bye.

NATHALIE PEREGRINE: Thank you all for joining today's GNSO Council meeting. Have an excellent rest of your days. Goodbye.

[END OF TRANSCRIPT]