

**Transcription ICANN61 San Juan
ISPCP Open Meeting Part 1
Tuesday, 13 March 2018 at 15:15 AST**

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Tony Holmes: So welcome, everybody. I'm aware we may be a few ISPs light, but I think it would be a good thing to start anyway. So this is the ICANN61 meeting of the ISP and Connectivity Providers Constituency meeting. I think we'll just have a quick run around the table to introduce ourselves.

We've got a pretty full agenda, and the good news is, although it's scheduled for over three hours, there will be a break halfway through. I'm going to break the agenda to give everyone at least a comfort break as we work through.

But to start with, I'm Tony Holmes. I'm the vice chair of this constituency. Our chair has not been in the best of health recently, Wolf-Ulrich Knochen. He will be joining us remotely. But I'm standing in to chair this meeting for Wolf for this time.

So if we could work around the table and if I could ask you to just introduce yourself please.

Andy Pitts: Oh yes. Andy Pitts from British Telecom.

Jen Taylor-Hodges: Jen Taylor-Hodges from BT as well.

Lars Steffen: Lars Steffen. I'm with eco, the Internet Industry Association and I remind you to state your name every time when you use the mic. Thank you very much.

Esteban Lescano: Este Lescano from CABASE, Argentina.

Shin Yamasaki Shin Yamasaki from JPNIC.

Mark McFadden: I'm Mark McFadden from the Midwest Internet Cooperative Exchange.

Nicolas Fiumarelli: Nicolas Fiumarelli from LACNIC. I am a fellow first time ICANN.

Man 1: (Unintelligible) Czech Republic and Russia also. Hello.

Alain Bidron: Thank you. Alain Bidron representing ETNO, the European Telecommunications Network Operators Association.

Philippe Fouquart: Philippe Fouquart. I'm with Orange and GNSO counselor.

Tony Holmes: Please speak high in the microphone so that more people can hear.

Oswaldo Novoa: Oswaldo Novoa from ANTEL, Uruguay.

Thomas Rickert: Thomas Rickert, Internet Industry Association eco.

Tony Holmes: In particular, welcome to the fellows who've joined us. Do we have a roving mic somewhere? If not, maybe we could just ask the people behind us to introduce yourselves. That would be helpful.

Ken Hansen: Ken Hansen with Farsight Security.

Tony Holmes: Thank you.

Man 3: Jimmy. Don't you want to sit at the table?

Tony Holmes: Come join us. We're not there.

((Crosstalk))

Man 3: We can tell you're a member already. You've applied.

Tony Holmes: Okay. So unless you're moving up. If I could go to the second row.

Man 4: (Unintelligible).

Tony Holmes: Welcome.

Man 5: (Unintelligible).

Tony Holmes: Thank you very much. And please, you may.

Jimmy Rodrigues: Jimmy Rodrigues from CANTO.

Tony Holmes: Thank you. Tony?

Tony Harris: Tony Harris from CABASE in Argentina and also GNSO counselor.

Tony Holmes: Okay. So yes, just a reminder to introduce yourself when you take the mic. We certainly need to do that for the transcription. I think our chair will be joining us shortly remotely. The agenda is on the screen, and I'm going to move swiftly on to the first item, which is something that's pretty fundamental and important to this constituency, universal acceptance.

We have a number of ISPs who are engaged in that activity. And I'll ask Lars to spend 10 minutes or so bringing us up to date where we are with that activity. Thank you.

Lars Steffen: Yes. This is Lars for the record. Thank you, Tony for giving me the opportunity to give you a brief update about the current work of Universal

Acceptance Steering Group. For those in the room who are not very familiar with the Universal Acceptance Steering Group, we are a working group created in 2015 and we work on that all valid and domain names and email addresses are accepted by all into enabled devices, software and systems.

We had a full day workshop on Saturday at this ICANN meeting for the USG. And just to give you a brief update on what we are currently working on. So we have a strong focus right now on the EAI, on Email Address Internationalization.

So we are currently working on documentation that can be used by email software and service providers to give them guidance and a checklist how to become UA ready. Phase one will be that the systems will be able to send and receive email addresses that are based on UTF8. And phase two will be that those service providers are able to host mail boxes also based on EAI.

So to achieve this, they are currently working on some comprehensive documentation. So we have two sub working groups. One is focused on EAI. The other one is focused on communications, and I'm one of the co-coordinators next to Christian Dawson. I took coalition and being one of the co-coordinators of the communications team.

The next step that we're currently working on is to put together an evaluation of email software and service providers, just to have an overview of the market, which kind of software and services we have out there in active usage and what is the current status of them with regards to be UA ready.

The next step is when we've accomplished this to create comprehensive outreach to those service and software providers. And one of the things that we are currently working on is also to have some EAI Day. So like we had an IPv6 Day and for every other - several other occasions, we have the plan to establish an EAI Day to get this momentum growing and also rolling.

Another thing in this context is (linkification). So we understand (linkification) is the functionality when you type in email addresses or web addresses into software or in your mail client or in your check client or Skype or whatever, that the system automatically detects okay, this is a valid address and it will create automatically a link.

And we just did a review of several source media applications for example to see if this is implemented, yes or not. And the best system that we've seen is Telegram. So Telegram is very good in identifying email addresses and also links in several scripts, even in Arabic, which is not very common in software that we see nowadays. And we will publish this in the second quarter of this year.

One of our target audience next in general to, that we address developers and CIOs. We want to focus more strongly on governmental CIOs because from our experience throughout the last year is when we talk to CIOs of companies, that we come very shortly to the question okay, what's in for me becoming UA ready? So even in the western hemisphere, when you talk to people about becoming UA ready and implementing EIA, they say okay, the traffic of EAI is very low in my systems. So what's in it for me to take the effort at implementing this?

So when we target more strongly on governmental CIOs, it's not so much a commercial question. It's more about the question of how to do things right and how to implement standards that are established. So in Germany for example, there's a directive to that the government has to offer barrier free online services.

Of course they didn't have UA readiness in mind, but this is something where I say okay, this is where UA readiness can be a part of this directive because when you offer online services of a government and there are fields where you can put an email addresses, I think it's pretty fair to say okay, you also

have to accept email addresses that are not based on ASCII but also UTF-8. It's just a question of being inclusive from my point of view.

To - also to give - to drive more traffic to our content, we now established a few social media channels. So we opened up a Facebook page for the Universal Acceptance Steering Group we set up a Twitter handle. We created a YouTube account to give everybody who would like to share the information that we creating and the content that we are developing, to make it as easy as possible to spread the word of universe acceptance.

We didn't do that in the first place because we didn't have that much content, but since we started our work in 2015, we now have really a comprehensive library of several documents and blog posts, videos that we can share. And when you go to those sites, also please feel free to like them. I think it's pretty easy now just to share or retweet the information to make it as easy as possible and to spread the word of universe acceptance.

Another thing that we did is maybe someone in the room know those stories from (Ramone) who sent out FedEx mails. When he encountered universe acceptance issues with dot info many years ago, we did the same and we sent 400 physical letters to CIOs of the Fortune 400 companies. And well, the engaged that we created was 1%.

So this is also one of the core and key learnings for us that we still have to work hard on outreach to get the message through. This is why we established another thing. It's the UA ambassador program. So if you're already active working on spreading the word on universe acceptance, or you're already engaged but maybe we don't have you on our agenda, feel free to apply becoming one of the UA ambassador.

So we already onboarded three persons at this meeting and we - it's an ongoing process. So feel free to apply any time you like. The idea is to give them substantial support. So there will be funding for travelling and also to

attend conferences when you get a speaking slot and things like that to spread the word on universe acceptance.

There's a document on our website, UASG.tech where you can see the requirements and what we'd like to know from you to apply to become a UA ambassador. It's a great opportunity I think. Feel free to take a closer look at it and apply.

The next thing is that we establish more local partnerships, especially in China and in India because those are the regions where it makes most sense for software and services providers to become UA ready. And at the last mock meeting, we also had a panel discussion to get more engaged with the email providers that are active at mock, and also to address server security issues people might have with EAI.

So for this, we had the workshop at this ICANN meeting on Saturday. We had a public forum yesterday, and we have several speaking slots in other constituencies as well to address several points. So yesterday a tech day at the ccNSO, we had a very technical focused presentation.

We had one presentation also to the GAC to address that we would like to talk to the governmental CIOs, to talk to them how they can implement UA readiness in their systems. And those two paths are now - those that we have a strong focus on EAI and the CIOs, with an eye on the governmental CIOs, and those are the paths that we are currently working on. This is a brief update of the UASG.

Tony Holmes: Thank you, Lars. Great job. I have a couple of questions, but I'll open up for other points first. Tony?

Tony Harris: Yes. So thanks, Lars for this good report. I have a question because at the Abu Dhabi meeting, there was somebody in the workshop, the UA workshop who was from India, and he was talking about an initiative from the Indian

government to give every single inhabitant an email address with an IDN included.

Did that - is that progressing? Are there any technical impediments to that for them to do that? Because that's a story I think we should feature in our newsletter if it comes to be.

Lars Steffen: Thank you, Tony for asking this. It's Ajay Data from India. He's with XgenPlus, one of the email software providers. And yes, they did and that's - oh, he just entered the room. Ajay, please feel free to come to the microphone.

Ajay Data: (Unintelligible).

Lars Steffen: Yes please. So this is first-hand information.

Ajay Data: Yes, why not. So thank you and very important question. Yes, we have progressed in one of the states already. Ajay Data for record. We are already tied up with government of Rajasthan with 70 million users. This project has gone live on Rajasthan.Bharat which is a Hindi domain. And every citizen has been given one free email address by government, hosted by government, sold by government, completely free for life.

Government of India is also contemplating - we actually have even the contract from them. This is an execution and there are many projects like that are going to come from government of India because of they want to do something on education separately, something for government of employ separately, something for citizens separately.

So there is a big plan going on and I think I'm missing the secretary here. I just talked to him yesterday night that can you come over and announce him on remote here or something. I think he's going to do that in Panama. Thank you very much.

Lars Steffen: Thank you so much, Ajay.

Tony Holmes: Perfect. Completely perfect.

Tony Harris: You can stay in the meeting if you like.

Tony Holmes: Just to remark. I'm going to recirculate the attendance list because I know some people joined after. So if we could just go around the table and then around the back of the room, that would be - appreciate it. Other questions on universal acceptance.

I have a couple of questions first. I know you very much focus on elements of the community who need to understand universal acceptance, to make sure that they are engaged in it. But are they really still - I don't know what metrics you've used, but are there certain areas of the world which in your view are still pretty dark on this? Are you targeting towards that at all, as well as the technical elements?

Lars Steffen: Well, when it comes to which parts of the world are darker than other, to say it that way, as we see now in India, of course there are stronger initiatives where you have a stronger benefit from becoming UA ready. So when I talk to our members for example who are large email providers in Europe and in the US, and I ask them how much traffic do you have with EAI? They say - still stay it's below 1% for them.

So this is the reason why we very soon encounter the question, what's in for me becoming UA ready and taking the effort? So this is the reason why. We need those strong examples like in India, to give a good example that it's worth to become UA ready.

And then of course in the Western Hemisphere, it's maybe more valuable to take the first step, becoming UA already in the sense that you accept new

GTLDs for example because it's also still something we have to work on that if you want to use an online service or subscribe at an online service and you use an email address that's based on new GTLD, that's still often rejected.

So last year in 2017, we did a review of the top 1,000 websites, and we checked several test addresses from short ASCII TLDs, long ASCII TLDs, several versions of mixed scripts, down to having full Arabic email addresses, and when you've got a short full ASCII - a full ASCII email address with a short TLD, the acceptance rate is 92%.

So this is the reason, because you may have a short TLD, but when the developer of the online service hardcoded a number of TLDs and you've got a short new GTLD, it's still rejected. So when you've got a long full ASCII email address like dot technology or dot photography, the acceptance rate goes down to 78%.

When you've got several mixed scripts ones, it goes down to 40 to 30%. And when you've got a full Arabic email address that's also written from right to left, the acceptance rate goes down to 8%.

Tony Holmes: Right. Yes. Some - still some challenges in there. You mentioned also having a specific day. Can you say more about thoughts around that? Because we've obviously had those ISP focus days at various ISP meetings. Is your intention to hook it on to one of those or is it something independent of that?

Lars Steffen: This is Lars for the record. This is something we still have to work on to create a plan. Also when it comes to the date, we planned this for 2019. So still somewhere I had to state. But it's one of the projects we agreed upon at this meeting, that this is something we'd like to work on.

So this is something we have to create and have a plan and a path that we have to follow to achieve this goal to have an EIA Day. So this is something where we probably will give updates at the next ICANN meetings.

Tony Holmes: Okay.

Ajay Data: Can I add something here?

Tony Holmes: Yes please.

Ajay Data: ...small, 30 seconds. I think one thing I must mention - Ajay Data here for record. I am one of the large ISPs in India also, and I am saying this with real example that when we announced that we are supporting IDNs, the - and we started bundling it with our connections as a hosted plan, the stickiness of the customer goes up.

And in fact, the people who are forward looking, who are technology oriented, who wants to be updated, prefers the entire services from us. So this is one example and a low hanging fruit before people take up this opportunity. This is for all ISPs. This is something to look at to enable yourself, enable ourselves for EIA readiness and announce it for your own customers.

Tony Holmes: Okay. Thank you. Lars, I'm sure behalf of Wolf-Ulrich, that we would welcome having that dialogue about trying to help with a few tracker meetings if that is in your thoughts. I'm sure it will be a positive response. Thank you. Okay. No more questions on that particular issue. Let's move on with our agenda.

I'm aware we're running a little late already, but we started late and I'm sure we'll recover from that as we go along. So the next item on the agenda is something called GDPR, which I think people might have heard of. And the regional it's on the agenda was that when Wolf-Ulrich and I looked at this, we

were aware there was going to be substantial discussion across this meeting and I think it's true to say that's happened.

We've billed this as further steps in ISPCP position. Now, there have been some pretty intense debates around this. We had the discussion in the ISP private meeting. And during that session, we were joined by Thomas. We discussed the position that's been taken by the BC and IPC who are both putting comments and were looking for us to basically join them with those comments.

We had no consensus to join them with that particular set of comments they submitted. We did have some healthy discussions around that. But I'm going to open the floor now for views as to where this goes. There's a lot of open issues here.

And certainly the CSG discussions this morning that we had with Göran, followed by the interchange we've had with the board I think has highlighted some of the concerns that are around. And we have on the table of course, the cookbook that is currently being discussed as a potential way forward.

There's also the onus on everyone to speak with their GAC people, hug the GAC it's been referred to a number of times, to try and make sure that the issues and feedback that we'll require from the DPAs is forthcoming. I think a lot of us will have concerns as to the level of feedback that actually comes back.

But at this stage, Thomas, maybe I should turn this over to you to get your take on where we currently are and your hopes for moving this forward. That would be helpful.

Thomas Rickert: Thanks very much, Tony. Just one question. How much time do we have for this? And then I understand that I'm also supposed to update you on the CCWG accountability?

Tony Holmes: Yes, that's right. With this, I'm willing to allow at least 30 minutes on this because I think it's important. Hopefully it won't take that amount of time, but let's try and see.

Thomas Rickert: So my suggestion would be to maybe briefly go through the current proposal that ICANN has put on the table. I'm not sure whether everyone is fully familiar with the parameters of this interim model. How does it sound?

Tony Holmes: That sounds good.

Thomas Rickert: Great. So Lars, if you could go to one of the next slides. There are two slides which actually outline the parameters, and one more. That's it. So what I suggest we do is we go through the individual components of the interim model and I will offer a few comments on these points.

So ICANN suggests that all registrant or all registration data as currently collected, will henceforth be collected even under the interim model. And that would include not only the data for the registrant, but also for the admin fee, the billing fee and the tech fee. And the problem with that is that ICANN does not offer any rationale for why this collection is required.

And as you may or may not know, the GDPR have one of the principles enshrined in it, which is the principle of data minimization. So you're only supposed to collect as much data as you need to deliver a service or where you have another legal basis for collection and otherwise processing the data.

So that's the biggest point of concern because ICANN basically explains in the cookbook that this data shall be collected because we've always collected it and it should be up to the community process to discuss what then ultimately in the long term should be collected.

So we do think that there is an issue with collecting faulty data. And I should also say that according to what I hear from the data protection authorities, while they have not focused on data minimization too much in the last couple of years, now this is becoming more and more a point that they understand and that they are aware of.

We know from some of the major registrars that the data they have on the registrant is identical with the other context in more than 90% of all cases, right? So you don't get too much additional intelligence by collecting data for the admin fee, the billing fee and the tech fee.

But where you do collect it, where the data elements are different, you are potentially getting additional issues because the admin fee is not a party to the contract with the registrar. The tech fee is not and the billing fee is not either. So according to the GDPR, you have information duties, and how do you fulfill those information duties if there are third parties involved in the registration?

Tony Holmes: Just to clarify, Thomas. Tony Holmes for the chair, for the record. As we work through, are you happy to take questions as we go?

Thomas Rickert: Sure. Go ahead.

Tony Holmes: Just one of the things that I struggle with in this whole concept is trying to separate out the discussions in ICANN that should occur as part of the PDP, the RDS PDP and the requirements of GDPR. And I - in my mind, I need to make that distinction. And I think some of the comments you made probably apply to both of those, sometimes even more towards what I would view as the future work of the PDP rather than the whole issue of GDPR.

Thomas Rickert: Yes. I guess my take on it is, we need to make sure that there's a compliant system by May 25, right? And whatever is required to be compliant is the new baseline for the community process. So if you look at the RDS PDP

working group that's looking into these issues, they will not be able to go below what's required to do - to become GDPR compliant.

And I guess this very point is one where we need to work on now. Are you following the data - the principle of data manage?

Tony Holmes: They could go above.

Thomas Rickert: They could go above, certainly but I think we need to make sure that we come up with a solution now that will hold water when it's tested in courts. The second point is that...

Man 6: Just as a point of order. Thomas, would you use this microphone? It's just so the remote...

Thomas Rickert: I will speak into whatever microphone you want me to speak into. So the next point is transfer of data from the registrar to the registry. This is something where the contracted parties even don't have consensus on. Typically what you would look into when it comes to this point is to see - to assess what data needs to travel from the registrar to the registry to perform the contract for example.

And if you look at those on running.com, they don't know who the registrants are, right? So one might think that a registry does not necessarily need to know who the registrant is, but they might do with technical data, who the registrar is so that the registrar might be a sufficient source of information about the registrant.

Now, there is a possibility to get that data traveled from the registrar to the registry based on the legitimate interest that can be claimed by the registry. So the registry can say, I want to validate who my customers are, or I want to run security checks to identify patterns of abusive behavior. And those can

be the legitimate interests for the registry to require the data to be transferred from the registrant.

And ICANN seems to be inclined to require this transfer of data, which is possible, but to me it's sort of a strange concept to make it a provision enforceable by ICANN that the registry needs to have a certain legitimate interest. Although they might not want to assert it.

And we know that there are some registries for example who are not privacy shield certified who say well, we don't want that data. We're okay with the data to stay with the registrar. So that I guess is a point that deserves more discussion.

But at least from the discussions that I had with registries, in total numbers the majority of registries is okay with obtaining the data. And they even want to make use of it because they say okay, if there are transfer disputes, it's good to have everything in one central place so that we can actually verify who the legitimate domain owners is.

Then transfer of data to escrow agent, you know, the full data shall be escrowed. For your information, that would apply both to data escrow for the registrar, as well as to the - for the registry where you have different escrow agents. Then data retention life of the registration plus two years, which is something that you can do.

But ICANN is just saying, this is in line with European data protection laws and I'm not aware of any law that would, you know, support this notion, right? So we think that ICANN needs to put a little bit more flesh to the bones and explain why they have chosen registration plus two years.

Tony Holmes: Sorry. Wait, Thomas. You are speaking on behalf of?

Thomas Rickert: I've spoken to numerous legal counselors with registries and registrars and we've discussed these points. So it's basically a group of contracted parties that have discussed these issues. So and I guess this is one additional point where we need - where we should continue to ask ICANN for more information.

So it is possible to use two years, but then you need to explain why is it not six months? Why is it not five years? So you can say that, you know, for example, within two years, most disputes are resolved, or that claims against registries and registrars are limited by statute after this period. And if you have that explanation, then you can put it into the contracts and make it enforceable, right?

But in the absence of a legal rationale for why you chose this exact period, it's difficult to defend. The applicability has been a point of discussion. Do you want to ask a question?

Man 7: No.

Thomas Rickert: So basically are the processors and controllers in the EU need to be compliant, even more so in the European economic area, they need to be compliant. And ICANN wants to make it possible for contracted parties to use their systems throughout the world. We've been discussing this in the closed session the other day, but there's a possibility to use one unique WHOIS system for your global customer base. And that's a point that we agree with.

Then ICANN does not require the contracted parties to make a distinction between natural persons and legal persons. And this is a point of ongoing confusion I should say, because particularly the IPC, the BC and other WHOIS customers, deny the fact that the names of legal persons can be personal data.

And it is true that the GDPR only protects both your data i.e. data of natural persons and this you saw - I'm not sure whether any of you have been in the Public Safety Working Group meeting this morning, but they also say, GDPR only protects the data of natural persons.

That is correct, but where the name of a legal entity allows for the identification of an individual, that name of a legal person is personally identifiable data and therefore protected under the GDPR. And therefore we need to be cautious.

Some call this is over compliance. I think it is the right level of compliance in order to protect the contracted parties from being sanctioned. Let's move to the next slide please. Please. Sure.

Philippe Fouquart: Thank you. Philippe Fouquart from Orange for the record. On this particular point, I suspect that many of the comment would apply to others, but I suspect that this issue with having the name or personal data embedded in the legal entity label is not specific to WHOIS and you could probably have the same issue with the data you were processing, certainly as an ISP or.

Thomas Rickert: Correct.

Philippe Fouquart: So do we have elements as to how that issue is addressed for those other environments or they mean different from WHOIS?

Thomas Rickert: No. I think the only advice that I can give is be cautious. You have a certain risk if you publicize the data of legal entities because some of that data might be personally identifiable data. So if you have - if you as an ISP have sole proprietors or small to medium sized companies as your customers, in many cases the company's names will include the name of the founder, you know.

So you need to be cautious, and I think you can make a business decision as to whether you think that there is a big issue with that or not. And my take on

it is, you know, you might have two points from which you are tackled. That might be the company itself or the individual behind the company, and the authorities.

And I think if somebody, you know, with a smaller medium size company, and they go after you for having treated the company data as corporate data i.e. not as personal data, I think you can push back quite a bit and say okay, we took what you gave us. You said you are a company. You said you are a corporation, therefore we truly believed in good faith that the data that you provided is not personal data.

And I think in many cases you might get away with it, or even be - or at least your counterpart, the complainant, will not be entitled to damages because they made the mistake in the first place, right? It's something different when it comes to the authorities because if you are sort of inviting wrong treatment of data that is personal data by designing your systems to potentially be flawed, knowing that you will get a lot of company data that will be personally identifiable data, I guess there's a risk that you will be sanctioned, right?

So I think the risk is bigger with the authorities than it is with the complaining customers. I hope that answers the question.

Philippe Fouquart: Yes. Sort of. Philippe Fouquart again. I guess the question was also, was the element of risk assessed in those other environments? I for one I'm aware of many surnames being used as brand, being sold as brands sometimes, sometimes big names.

So and this does not seem to be specific to WHOIS and I would think that us being late, somebody somewhere might have determined and have a legal basis for saying, it's either one way or the other. Again, I'm not a lawyer, but I would think that there might be other environments where this has been investigated.

Thomas Rickert: I mean you find a lot of clues that corporate data can be personal data in legal literature and then in decisions, right? You find that - you find something on that in one of the latest GAC letters. They explicitly say that corporate data may constitute natural persons data. And also this paper by the international working group on data protection in telecommunications, you know, the Berlin group paper that also states clearly that corporate data can be PII.

Tony Holmes: I think it is - Tony Holmes for the record. I think it is a really flex question because there are a number of different instances where this will come up. It's also probably going to vary as well from jurisdiction to jurisdiction. And there are some cases where the whole thing will change as well.

So maybe that just in some way supports Thomas's view that you need to be careful. I think making a hard decision on this is really tough. For instance, when we had the discussion earlier, Thomas in the private session or the closed session, you made the point that your name was part of your business name, but there could be a scenario in the future where somebody wants to buy your company, and they may want to keep your name because it has a reputation going with it that may enhance their commercial place in the marketplace.

Thomas Rickert: Which is great.

Tony Holmes: But it shows you how a situation can change and then whether that's personal information is again a difficult issue. So I think across the piece, this is a really difficult one.

Thomas Rickert: Yes. And I think everyone who's representing companies around this table can take business decisions to take certain risks. The question is, do we want ICANN to dump on you in an enforceable fashion, that you should be taking certain risk? And I think the answer is no.

You know, corporate data in many cases will be data that is not protected under GDPR. But there's a huge number of cases where it is actually protected. And therefore I think ICANN is spot on by not forcing the contracted parties to make the distinction between natural and legal persons.

Okay. I think we need to speed up a little bit. So we have in this model, a proposal by ICANN only to publicize limited data on the registrant address. So the registrar name will not be published. The street will not be published. They will - they only ask for the publication of the province and country.

So the city is not going to be published either, you know, but they still want to have some information in there that allows for a requestor to see okay, roughly what region is the registrant located. The email address shall not be publicized as well as the phone number or fax number.

When it comes to the email address, they're asking for an anonymized email address to be published or a web form. And from what I hear from the dev ops, from the contracted parties, their preferred option would be a web form because even anonymized email addresses can be harvested if you know the zone files and they can be spammed, you know. And that was one of the major concerns by the data protection authorities, that you would be subject to back email marketing, right?

So then there - ICANN is asking for a possibility for registrants to have their data published. They call it opt-in. Translating that to legal terms would be a consent based publication of data. So there are individuals or companies that want their data to be publicized and they shouldn't be kept away from doing that. So that is fine. And then next slide please. Sure.

Andy Pitts: Yes. Andy Pitts for the record. I just want to know about the opting in. Is that still covered under GDPR? Does GDPR allow for that, you know? If a company says yes, I want my data to be displayed, is that okay?

Thomas Rickert: Legally, there is no such thing as opt-in in GDPR. It would be consent. So basically - and consent in a perfectly legitimate way of legitimizing data processing. So you can find that in Article 61A of the GDPR. The problem with this is that the consent must be given freely, and there must be no conditions to providing that consent.

ICANN is today, in their contract with the registrars, requiring the registrars to obtain the user's consent. But they're not doing that in a legal fashion because they're telling the registrants, you consent to the global publication of your data or you don't get a domain name, you know, and that doesn't work.

But if the - if the free unconditional choice of the registrant to have his or her data publicized, that is possible. But contracted parties and everyone in the ecosystem needs to acknowledge that consent can be withdrawn at any time without giving any reason. So, you know, you can't assume that this data, that the registrant permits to be published will be publicized forever. So they can withdraw that consent.

Okay. So let's move to the last slide, and that is probably the one of most interest, but with the least answers. And that is that ICANN - no, the one before it. There has been some discussion about site certification because everyone is afraid that a gated access based system will not be ready by May 25, and probably it will be ready by May 25.

So what's going to happen in the interim? And there were many who've asked for a system based on site certification. The IPC and the BC are still pushing for that, and they've chosen the model of zone file access requests for that. And ICANN has now acknowledged that they don't want to pursue the route of site certification because that's just too sloppy, let's say too loose in terms of conditions to provide access to personal data.

For the accreditation system, ICANN has the plan that they get the governments to work on, that they get the Article 29 Group to help them with this. And I think that this is going to be very challenging. You know, this morning I've asked at the GAC meeting, whether the GAC can confirm that they're going to have something ready by May 25. And they said well, we haven't even started the discussion.

And there are many government representatives that I spoke to who said that they don't really want to be in a position of determining who can get access to the data and who would not. Beyond that, there are a lot of issues with providing bulk access to WHOIS data.

So in my view, one needs to take a very nuanced approach to this and take a look at who is the requester? Is it an IP holder, a trademark owner for example? Is it law enforcement? If it's law enforcement, is it domestic law enforcement? Is it European law enforcement? Is it law enforcement outside the EU? What about IT security companies? What about consumer protection agencies?

They all have - might have different legitimate interests in requesting access to data, but do you want to give bulk access to everyone? Or shall they only have access to a limited set of data? Shall they have bulk access or can they only file individual requests for data, let's say on a specific domain name?

These are questions that are completely unanswered, and I think that ICANN's hope that the DPAs will fill in the blanks in the cookbook, will be disappointed. I think that it will be on us the community to write something up and then propose it to the DPAs because at the moment, the cookbook is so patchy that it doesn't even allow for a proper legal assessment.

So I think we need to step up, propose something. Let's stick with the example of the retention period. Say okay, this is why we need to ration up the registration plus two years. That is all right for you guys, and then they

have something that they can take a look at. But just to say it's duration of the registration plus two years, tell us if that's okay.

I guess nobody is in a position to answer that if they don't have all the facts surrounding it. So we need to push - put more flesh to the bones in order to make this a comprehensive proposal.

Tony Holmes: Sure. Tony Holmes. Just on that point, I totally agree with you. I think that expecting the DPAs to come up with an answer, I just don't see that happening at all, particularly in the timeframe that we have. And it's probably worth just mentioning, and I'm sure most people here are aware, that already I think in terms of accreditation now, there is some effort going in from the IPC and the BC to draft something.

I haven't seen any of that. I don't know what's happening there, but just for the record so everyone's aware. Already there are parts of the community who are looking to try and do something. Where that goes and how it gets embraced in terms of the multi stakeholder approach is - well, it just isn't clear at the moment. But there's just something underway.

Thomas Rickert: I guess that's pretty much it. I guess in conclusion, I would say that we need to talk to our GAC representatives as - you know, I'll get to you in a moment, to ask them not only to provide us with their wish lists. The GAC has written a wish list as to what they want the commissioners, that you should keep the WHOIS as open as possible, but they don't explain how it can legally be done, right?

And so we should ask them, don't only send us your wish list. Also help us understand how we can make it work legally. And then we should prevent the GAC from becoming operational. You know, they have the clear advisory role according to the bylaws. They should stick to that.

And we need to be clear, and this is one of the biggest fears of the IPC and BC, that whatever interim model is adopted, that this will be just perpetuated. And we should be very clear that this is just an interim compliance solution and that we need to work on the bottom up multi stakeholder process to get this done through consensus policies, because that's ultimately where ICANN takes its legitimacy from. You had a question.

Man 8: Yes. Thank you. (Unintelligible) for the record. Now, just how is it then the change of liabilities? So ICANN as an organization can receive also a fine, for example for the (unintelligible) or it's just the registrar or the registry and just to know that.

Thomas Rickert: ICANN has not acknowledged its role. They're now saying that there are some sort of controller, but they don't say in what fashion. There is legal analysis as well as a letter from the Article 29 Group that suggests that the registries, registrars and ICANN could be joint controllers. And data controllers are subject to fines if something goes wrong.

Now, what you need to understand is that, you know, if let's say one registrar does something wrong, that doesn't mean that the DPA will fully sanction ICANN. So when it comes to sanctions, they look at who has done something wrong in the mix, right? So if ICANN has done something wrong, they will likely be sanctioned. If a registrar has failed to do things right, that registrar will be sanctioned, you know.

So it's not like everyone will be equally sanctioned. But ICANN has made abundantly clear in the cookbook, that they will come up with revised agreements exactly prescribing what needs to be done with the data, and that makes them a data controller in my assessment, right? So the one who controls what's to be done with data, is typically the data controller.

And the more ICANN dictates this, the more ICANN is on the hook for being a data controller.

Tony Holmes: Thanks, Thomas. One point you made there I think we can all coalesce behind is the fact that we should look on this as an interim arrangement, not just something that will be ongoing for perpetuity. So I think that that's quite clear to all of us now. In terms of where we go from here, it very, very much is a case of, let's see how this unfolds.

But one final question here before we change topics, Thomas. I mentioned that there's some effort going in from the IPC to BC to try and look at accreditation. Are you aware - and you have a much broader awareness of this area than many of us here. Are you aware of any other efforts that are also taking price going down that path at the moment?

Thomas Rickert: There's a lot of talk. I think Stephanie Perrin has mentioned during the cross community session that she's considering an ISO certification based approach for accreditation. I think that's more in the area of data security and that the data is in safe hands with you. So I don't know exactly how this can be operationalized.

Then as far as the accreditation of law enforcement is concerned, there are discussions with Europol. So Europol does seem to have a system whereby they can assert that a certain organization is actually a legitimate law enforcement authority.

So there are discussions in various places, and I think there's a huge benefit in using existing systems, you know. I think the IPC and WIPO have suggested that they could potentially help with the accreditation of IP attorneys, you know. So I think everyone is trying to be forthcoming with solutions.

Tony Holmes: Okay, thanks. Any final questions on this topic before we move on? Thank you very much. Appreciate that, Thomas and appreciate your time at the

earlier closed session as well. So let's move on. And again, we appreciate your help with this one, Thomas.

This is looking at the accountability, progress on accountability. And originally Malcolm Hutty was going to join us for this. Malcolm did provide some slides which I think we have. And if we could - I hope I'm not taking you by total surprise here, Thomas, but if we could look to display those slides.

Malcolm raised or drew attention to a couple of particular issues. But also, Thomas, the floor is open to you if there's any other elements that you think would be helpful to us. Please just go ahead on that basis.

Thomas Rickert: Yes. Maybe Lars, the accountability slides that I sent to you. So my name is Thomas Rickert. I'm one of the co-chairs of the CCWG accountability. Hello everyone. I'm changing hats, right? So we had a plenary session last Friday here in Puerto Rico, and we were quite successful in getting all the sub teams work packages approved.

As you know, we had two work streams. Work stream one was done before the transition took place and work stream two was dealing with nine topics in total. That would be eight topics which we're going to see listed on one of the subsequent slides, and then one additional topic on the IRP, The Independent Review.

Lars, can you move slides? I'm not going to talk you through all of them. We're not - okay. So these are the eight areas where the sub team reports have now been approved. We typically do that in two readings, right? So we go through the report twice.

All of these eight sub team reports have gone through public comment. Those public comments have been analyzed and now we have all the component parts for our final report ready.

Next slide please. So what we're going to do now is we're going to wrap up all the nine sub group reports, put them into one package, and they're going to be then put out for public comment. And the question is, what's going to happen once this is all approved. And we're going to discuss the approval process a little bit later during this presentation.

But there were a lot of questions from the community, as well as from the board, because work stream one and two are quite different. For work stream one, we had to get things done i.e. not only approved, but also implemented before the US government would consider relinquishing its historical role with ICANN. So we needed to get the implementation done.

For work stream two, we do not have a mandate as the Cross Community Working Group to do the implementation, nor do we have budget. So our mission will likely end in Panama. And the question then was, what's going to happen with implementation?

And the way this is going to happen, and we're going to have a discussion with the board on this tomorrow morning, but our suggestion is that the board comes up with an implementation plan for the work stream two recommendations that will likely be produced by Göran's team, and that the board then consults with an implementation review team consisting of the co-chairs of the CCWG, plus the repertoires that were responsible for the sub teams to ensure that whatever implementation is done, that this is done in the spirit of the original CCWG recommendations, right?

And this implementation plan, which I think could likely be a three to five year overall plan, because we can't do everything at a time, will then be discussed with the community for the community's approval and feedback, right? So that's the idea. So we're suggesting to set up an implementation oversight team in order to ensure that the recommendations of our work are going to be implemented in a correct fashion.

Next slide please. So I mentioned to you a little bit earlier that we have the sub team reports ready that we're going to put them together into one big report, and this report is going to be put out for public comment. And we invite you to take a look at the report and comment. But there's a big caveat. We don't want you to comment on the individual recommendations, because all the sub teams' reports have been put out for public comment.

So we will not accept any comments on the recommendations. We're just asking for feedback on potential inconsistencies between the individual work packages, because you couldn't check consistency when you only saw the individual reports, right?

And should you have ideas about what we should have done differently on human rights or transparency or diversity, we will not change our recommendations, but we will archive that input and that can then be used by ATRT or other reviews dealing with accountability, right? So if you see the announcement for public comment next - in the middle of this month roughly, only comment on inconsistencies. Next slide please.

Tony Holmes: Just a quick question, Thomas to make sure I understood that right. Could you just say again how the makeup of the implementation oversight team is going to be?

Thomas Rickert: Yes. We had so called repertoires that were in charge of leading the sub committees. So let's say there was one repertoire, two repertoires for transparency, one for diversity, one for human rights. So they all had leaders for the sub teams.

And since these leaders have been guiding the genesis of the recommendations in the sub teams, they are subject matter experts. And we want to have the implementation oversight team consisting of those repertoires plus the co-chairs of the CCWG. Does that make sense?

Tony Holmes: It does. I was just wondering whether there was any thought to having any additional independence within that group? That was the only issue/

Thomas Rickert: Yes. I guess, you know, this team will already have 20 people or so because for many of the sub teams we already - we had two repertoires. And we don't want - we didn't want to make it too big. And we wanted to make sure that, you know, you could certainly do a call for proposals for people that want to be part of the team. But the CCWG has discussed this in its plenary and they've agreed that the repertoires and the co-chairs should be it.

Okay. Next slide please. We're going to skip on that, Lars because that's a summary of the recommendations. You know all this. So please scroll down further.

Tony Holmes: Just, I will say for other people here, we will circulate these slides as well. So if you don't get a chance to read them - catch up, you will get that opportunity.

Thomas Rickert: So those are just summaries of the recommendations. That's not for now. Okay. So we will launch the public comment period. After the public comment period closes, we will make final adjustments where necessary. And we plan to send the finalized report that has been adopted by the CCWG plenary to the chartering organizations well before Panama.

And we would hope that the chartering organizations take a look at the report and potentially approve it during the Panama meeting. The question is, is that going to be realistic? But we do know that for example the ccNSO is considering to get that done during the Panama meeting. So that would be great. And once all the chartering organizations have approved the report, it will be sent to the board.

So next and last slide, Lars. That's a visualization of the approval process. So we're basically - you know, we have the - all the sub team reports that

have gone for public comment. That's done. We're now in the left middle section, right, and then we're going to send our report out for public comment. That's the second globe or earth visualization in the middle.

We will then finalize our report. Then the chartering organizations are going to hopefully approve in Panama. And then it's going to be submitted to the board, and hopefully the board will then approve our recommendations. And I should say that the hurdles for the board to reject our recommendations are quite high. They can only reject it if they think that our recommendations are not in the global public interest.

So that's it and if we succeeded in doing that, we're going to disband and, you know, it was like done in one time.

Tony Holmes: And the champagne, right?

Thomas Rickert: We've asked, despite all the budget cuts to for ICANN to throw a big party for this group.

Tony Holmes: I have a question about - and this is just - I don't know. Has any other approval process involved the chartering organizations? The reason I ask is because I've seen other parts, now not the ccNSOs, not the GNSO, completely trust to get the work done. But for instance, I was just in an ASO meeting today and also I had an experience this week with RSAC.

I'm kind of - if you're optimistic about the chartering organizations actually approving things expeditiously, I'm not throwing cold water on that. I'm just wondering, have we been through - I don't know that we've been through this yet, where we have the - before handing it to the board, we hand it to the chartering organizations.

Thomas Rickert: Now, we've gone through that in work stream one. And for example, the GAC has just remained silent on it, you know. So they didn't object and that was good enough.

Tony Holmes: Okay. Thanks for that. That's just what I needed to know. So for instance, if chartering organization takes a certain amount of time and doesn't respond, that's considered assent.

Thomas Rickert: And RSAC and AISEC are not chartering organizations.

Tony Holmes: Yes.

Thomas Rickert: And also I think that - I don't envisage any of the chartering organizations to establish roadblocks for finishing our work.

Tony Holmes: Okay. Thanks, Thomas. We just need another week on the Panama meeting I think because with the strategic plan and all of this going on for a policy meeting, wow. That's a really tough schedule. But certainly to everyone involved in this has been a tremendous feat to get this far. We should all congratulate you and thank you for that.

Lars, there's also the other set of slides from Malcolm. Maybe we can just - I'm aware other people are here to take their shots. But of course Thomas is with us. If we could just quickly walk through those as well. There was just a couple of issues that Malcolm wanted to flag out of that to people. I'm sure you're well versed in that, Thomas as well.

Thomas Rickert: I'm not so sure.

Tony Holmes: Actually it comes up.

Thomas Rickert: Because we...

Tony Holmes: Yes.

Thomas Rickert: Maybe we just leave that for everyone to read.

Tony Holmes: Lets' just - we don't need to read them, but if you have any comment...

Thomas Rickert: Because in fact we had - you know, each of the co-chairs has been allocated with certain sub teams. And I'm not an expert on this, you know.

Tony Holmes: Okay. So if it's unfair to do that, then we can certainly...

Thomas Rickert: It's not unfair to ask me, but I can be only of limited help.

Tony Holmes: Sure. Okay. Well, we'll just spend a few moments on that quickly, and then. I'm sure any questions Malcolm will be ready to pick up. And we can always get it added as an item on our next call as well. If you're struggling with it, then I - because of the...

Man 9: (Unintelligible).

Tony Holmes: Okay. They did go to Andrew, but...

Man 9: (Unintelligible).

Tony Holmes: Yes, but - oh, I see. I get it. Okay. Then what we'll do, we'll make sure that they go to the list and I'll ask - Wolf-Ulrich I think is with us. I'll ask Wolf-Ulrich to make a slot on our next scheduled call.

Lars Steffen: I can show them on the screen and then on the Adobe Connect.

Tony Holmes: I think that would be acceptable for a couple of minutes. We're only going to spend a couple of minutes on it. So if you could do that and then Thomas can say what done...

Thomas Rickert: Even look to those.

Tony Holmes: Yes. So, but we'll just give it a couple of minutes. I'll just - whilst we're doing that, Chris, I noticed you're with us. You're okay for time with us? Okay, thanks.

Thomas Rickert: I think the best I can do is read those slides for you because I don't even know what's on them. It's like 12 slides or so.

Tony Holmes: Okay. Easier way. We'll do that as a separate exercise. It's unfortunate Malcolm is unable to be here now. We'll make sure that we draw attention to these. We'll do that on our call. So we can move on with the agenda if that's the case. It's probably the easiest way. So with that, thank you, Thomas. Really appreciate it.

Thomas Rickert: Thanks very much for having me. My pleasure as always.

Tony Holmes: You're always welcome here. You know that. Thank you. Okay. So is Matt here, Matt Larson? Great. Matt, if you'd like to come and join us.

Matt Larson: I emailed them to Tony who forwarded them for someone to - oh, okay. Whom should I mail them to?

Man 10: (Unintelligible).

Tony Holmes: From Andrea. Oh, okay.

Matt Larson: Whom should I mail them to?

Man 10: (Unintelligible).

Tony Holmes: So that's L-A-R-S S-T-E-F-F-E-N.

((Crosstalk))

Matt Larson: Perfect. Thank you.

Tony Holmes: Okay. So whilst Lars is getting the slides ready, maybe I can hand over to you, Matt and you can get us started. Thanks.

Matt Larson: Sure. Thanks for the chance to talk to you this afternoon. I don't know how everyone - familiar everyone is with DNSSEC and with Root KSK Rollover project. I'll try to be brief and I have some slides that describe where we are at this point in the project.

But as you may be aware, ICANN runs this incredibly important cryptographic key for DNSSEC. It's never been changed and we were going to change it or roll it for the first time last October. We got some information that led us to believe people weren't as ready as we thought or hoped they might be, and we decided to postpone while we analyzed that information.

And this information I'm talking about is there was a relatively recent change to the DNS protocol that very, very modern DNS resolvers implement, that when they're configured to do DNSSEC, they can report back which key sending keys, which trust anchors, which keys they're using. And they report these to the root servers.

So for the most modern DNS resolvers, we have an idea of what keys they have configured. It turns out this isn't as good a signal as we thought it would be because this tells us what key resolver is using, but it has - gives us no indication who's using that resolver. It could be in somebody's basement with nobody using it. It could be a resolver that has tens of thousands of people using it.

So it's unfortunately not a terribly good signal, but it's the data we have and we made an attempt to understand it. and so that - where we last left it when we postponed the KSK Roll in last fall was we said we're going to go away and try to figure out - try to understand this data more, because what we were seeing was around 7 or 8% of those reporting, which is a very small number, like literally single digit thousands of resolvers were reporting this data. And so a handful, 7 to 8% said they're not ready. They don't have the new key.

And so we made an attempt to figure out how to actually contact a list of about 500 IP addresses. And that turned out to be very difficult. And about 80% of those people, we either couldn't contact them or they didn't want to talk to us. And of the remaining, most of them were in dynamic address space. So these would be virtual machines or Docker containers or things like that.

The upshot here is that we didn't get any single cause. We were hoping that there would be one or two things that we could adjust our messaging, perhaps go to vendors to get bugs fixed, but instead we were left without a whole lot more understanding than when we started.

So near the end of last year then, what the ICANN org decided to do was we asked the community for their suggestions for how to proceed. And we said let's do this on an existing mailing list we have where we discussed the KSK Rollover project. We did that.

The feedback we got was well, you should - ICANN should proceed with the roll and keep talking to people, and we're not sure what you could measure to be sure if people are ready or not and what to use as acceptable material, but, you know, steady as she goes onward, roll the key. So based on that, we created a draft plan that we published on February 1st. And that plan calls for rolling the KSK exactly a year later.

Let's see. Great. Could you forward a few slides please? Keep going please. I think slide six. Yes, thank you. So on February 1st then, we published this draft plan. And that calls for rolling the key on October 11, 2018. So exactly one year delay.

And we also at the same time opened to public comment. And this is actually a draft plan because we want to get the community's input in this public comment, to hear what people - how they think we should proceed. So you can see the timetable that we have scheduled up here. We hope to get community feedback, revise the plan, hear from ASAC.

I don't have it on the slide, but we're going to ask ASAC as well. And if the plan does not change based on the feedback, then you'd see how the cadence of events takes us to rolling the key on October 11. And the reason I'm here today is that since we've been collecting this data or resolvers reporting what trust anchors they have configured, we've only seen more and more and more resolvers report.

Can I ask you to go forward please to the graph? Keep going please. There we go. So this graph is potentially a little confusing because there's two things shown on here. The green and the red are numbers of resolvers. And you should read the scale on the left. So you can see the dramatic increase we had.

The green would be the total number of resolvers reporting, and this is unique resolvers per day. So you can see it's kind of hard to read, but the green sort of is topping off around 50,000. So every day, around 50,000 different IP addresses are phoning home to the various route servers and saying, these are the trust anchors I have configured for DNSSEC. So that's the green line.

And then the red line is the number of those who are saying and I have the old key. I am not ready for the KSK Rollover. And then if you do the division

of red over red plus green, you get the percentage that are not ready, and that's what I've plotted in black and the scale to read for that is on the right.

So red and green are numbers of sources and black is a percentage. So if you look at that line, that is at about 20 to 25%. So as of right now, about 20% of those reporting on a daily basis is saying they're not ready. So that's worse than when we started in - started looking at this data in the fall.

Can I ask you to advance a few more slides please? Keep going please. Keep going. Keep going please. That one Yes. All right. So this is the same scales and that it's - we're still showing green and red are numbers of sources. But now, rather than unique sources per day, these are cumulative unique sources.

So this is over time. This is showing how many IPs we've heard from. So if you look at where that green one tops out, now we're looking at over 700,000 unique IPs. So in the time we've been paying attention to this, over 700,000 - actually it was about 730,000 different IPs have reported to us. And if you look at the red line, it's around 250,000 - excuse me, around 250,000 unique IPs over time have said that they have the old key. And if you do the math on that, that's the black line. That's even worse. That's more like a third, like 33%.

So we have this data. It's my belief - and we're still analyzing it, it's my belief that a lot of these are ephemeral instances. They're virtual machines or Docker containers that are in dynamic address space. They come up. They have configuration the old key. They report the old key. They do what they need to do.

They're torn down and then they come up again somewhere else and run a report, which would explain why the cumulative number is so much larger than the daily number. And as I said, this data is unfortunate because it only

tells us about resolvers, not about users and its users that we really care about, how they're affected.

You know, I don't care if a machine, as I said, in somebody's basement, has the old key if nobody's paying any attention to it and using it. Nevertheless, as bad as the signal in this data might be, we still have the data. And I think we would be remiss if we didn't try to analyze it further and understand it further and remediate further.

And so that's what brings me here today, which is to ask for support and help from the ISPCP to help us track down these IP addresses. And I realize the audacity of coming to you saying that well, I have a quarter of a million IP addresses that are reporting the wrong thing. Can you help me find them? I understand that's a tall order.

I do have permission from ICANN's legal department to publish the list. And so I haven't done that yet, but I'm going to publish it by - ordered by source ASN. So somebody to be able to, you know, look up their asks and see all the IPs in - that they're advertising in their space that are reporting the old key.

So we can at least make it so that an ISP doesn't have to sort through all the chaff to find the wheat for them. Still I completely understand that it's a difficult task. I do have some documentation that would describe what to look for. In other words, if you contact somebody, once an operator is contacted, we have some material to give them to say well, here's what you're looking for and then here's what you need to do.

But it's my hope that the ISPCP membership would have better resources to track these down. So there's two points, two purposes in tracking these down. One would be to of course get them changed. If it indeed is a resolver that has the old key, then we'd like it - to get it updated so that it's ready for the KSK roll.

And then the second would be to just understand better, to understand why it had the old key. You know, if it turns out that it is a Docker container that has an old config and it's hopping around from address to address, well then that's good to know. That would validate our theory that these are dynamic addresses.

So that's how I come to you today with a request for help. And I admit, sort of a difficult request, but any help that you would be able to provide would be gratefully received. And I'd be happy to - I know that's a lot of information, talking pretty quickly in a short period of time, and I'd be happy to answer any questions.

Tony Holmes: Okay. Thanks, Matt. I mean you can certainly ask and we will certainly try and help all we can. And you can imagine, in this particular community, there's an air of unease about the whole thing, quite understandably so. We had some discussion about this in our closed session. As Mark referred to it as the difficulty trying to become unpregnant I think you said at the time, which was a rather unique analogy.

Mark McFadden: I'd like to take that back.

Man 10: It's now on the transcript.

Tony Holmes: It is now. But it is a difficult situation. And one of the questions I have for you is, you've obviously come to us and we can have some discussion and we can certainly get some information out to our members. But what other efforts are you taking to obtain that information? I mean I assume you're talking with the IRRS and other people like that. Is that true?

Matt Larson: We are talking with the IRRs and we're continuing our outreach to the technical community, just getting to events, any place where we think there would be people who would be resolver operators. We - as a matter of

course, we hit all the IRR meetings every year. We hit operational forums like NANOG and regional NOGs.

There's some fatigue setting in at this. In fact, it's not setting in. It has set in. At this point, we're getting rejected for talks, right? People don't want to - they don't want to hear from us anymore. They're tired of hearing about it. So that's a battle that we're now fighting that we didn't fight earlier on.

Tony Holmes: Wow. That's an interesting remark, particularly when you look at the way the increase has certainly occurred in terms of more information that's been out there, more research, better data.

Matt Larson: Well, we haven't been rejected since. These I put together relatively recently. It'd be interesting to see if we start showing even more dramatic, terrifying numbers, if we'd maybe get people more interested again.

Tony Holmes: We have to know which one to look at, Mark.

Mark McFadden: Thanks for this, Matt. This is really helpful, really interesting information and my palms are sweating. I was talking to David today and I said, I can't believe we're going on - I had - was all over with this kind of data in our face, right? And knowing that we have to know more about that data, I'll come back to that in a second.

But I actually really appreciate this. I do have one question about it and it's, am I understanding this correctly, that this is all data from just one root?

Matt Larson: No. It's actually - we've root servers over time. At this point, we're getting data. This represents data from 11 of the 13 root servers, yes. But it is - one of the things I should stress, and this is unfortunately easily lost in the message, is that the thing to remember is, even though we're talking about, depending on your definition of a large, relatively large numbers, hundreds of

thousands, this is only the very latest software, resolver software that supports this, right?

So there are - you know, when you look at the total number of unique sources that hit authoritative servers, it's tens of millions. Very - all kinds of things and DNS query. So this is only the - only a very small portion.

Mark McFadden: And if I understand this right, the current version of bind doesn't support this.

Matt Larson: The very latest does.

Mark McFadden: The very latest?

Matt Larson: The very latest version of bind, the last couple of versions of unbound, but of course there are multiple streams of bind, and of course we know the tale of DNSR is incredibly long. So there's definitely much, much more software on the internet that does not report it's trust anchor configuration there is that does.

Mark McFadden: Right. And let me ask you, so I'm sure that ISPs for modular, their ability would be happy to help here in terms of looking. And of course, talking to the IRR seems essential. It seems to me on the face of it. One of the interesting things you said was about the FMs and the containers.

And I'm wondering, and I'm sure the answer is yes here, but I'm going to ask the question anyway. You know, are you going to the Amazons and look - and talking to AWS people and then going to Google and saying hey, as people are spinning up containers, what - are you giving them prepackaged implementations that have this old key in it?

Matt Larson: Yes. That's on the long to do list we have of things to follow up on, but we haven't done that yet.

Mark McFadden: The two things that I'm really interested in this data is, how much is hidden from our view in private networks, right? And of course, the old software one which we already talked about. But I think the container one is probably a good guess, but I would like to have AWS - I would like to have those folks actually confirm or deny that - or it's something you could experiment with, with a modest amount of money, say 100 bucks.

You could actually spin up some containers of your own for a set of 10 cloud providers, see what you get, right? And see what you get is the default package. I don't know and I should know because I'm an AWS customer. But I think that in terms of research, that's something that could possibly be done by someone in a day, just to spend 100 bucks.

Man 11: (Unintelligible). Sorry. One thing which is important in that regard is what in numerous cloud providers, Amazon being not a single one - any of them. It's not only Amazon who create templates for containers, but users as well. So this big could be as well some kind of I guess Amazon customer sharing template of a container for Bitcoin mining or something.

Matt Larson: Right. you know, in my limited experience with the personal stuff I've done, you know, if I spin up a VM, line node for example, or I have some stuff, by default that uses line nodes own because it's servers. So I tend to think that these are, as you suggest, something else that somebody has created and they've decided like oh, I want my own resolver for whatever reason, and they just happened to get the old KSK.

I'd like to have a smoking gun, you know. I'd love to find that, but we haven't as of yet.

Tony Holmes: Lars.

Lars Steffen: Yes. This is Lars for the record. I can't speak for Christian because he's not here, but I think this is a typical task for trade associations within the industry

to reach out to their members. I already put this at eco on the communications agenda for the next weeks that we send out an article about this on our newsletter. Is there's something specific we should focus on when we do things like that from your point of view?

Matt Larson: I can point you at a couple of web pages we've created. One is to - for an administrator to look at - to answer the question, how do I know if I'm using the old key or not? So a popular software walks you through how to look in your configuration. And then we have another page that's okay, so I'm using the old key. How do I get the new key and configure it properly?

So we have those two resources. They're not designed for the average person. They're designed for somebody who runs a resolver. So - but I could certainly point you at those as a starting point. If you would one want, I can write an article for you. We'd be happy to do that as well if that would help.

Tony Holmes: Just on that point, I think that would be helpful because we could certainly draw attention to that. And we should put some links on our website. That's a follow up probably - for me to follow up with Christian. Lars - to put some links in. And also if we can point them towards an article, that would also be helpful as well. We can send out a round robin to our members to try and draw attention to this as well. Andy.

Andy Pitts: Thank you. Andy Pitts for the record. I just wonder what that - the change in the graph there where it suddenly goes up fairly steep. Is there any particular reason you found for that?

Matt Larson: Yes. If you - can I ask you to go back? Yes, back a slide or two. Keep going please. There we go. Forward again please. No, I'm sorry. The other direction please. One more I think. That's it. Yes. So that was it. Yes. So the unbound, which is a popular recursive resolver with DNSSEC support,

they released a new version in the middle of January, and it was a fix for a relatively serious security vulnerability.

So our hypothesis is that motivated people to upgrade. And so with it, the timing fits perfectly. So that's - we're pretty confident that that was unbound.

Philippe Fouquart: Thank you. Philippe Fouquart from Orange. I'll just repeat what I said during the closed meeting. I think I'd encourage all members to have a look at the list and search for the name of their company and see whether they're on that list. But it was actually distributed on the ISPCP - maybe that was an older version of that file.

Matt Larson: Yes. There's an older version that I sent. But what I'm going to do is we're going to get a web page up that automates, that puts - that's sorted by ASN so that we'll have a stable resource we can send people to and you won't have to mail around the huge files.

Tony Holmes: That would be brilliant. Two comments. I think there were two things that we at least as an ISPN operator we can do. The first one is quite easy, would be to reach out to the operations of the DNS cache servers and double check with them whether they are all on that list and then - and see what's their position. That's generally speaking, quite easy to do.

The tedious part would be - because that - I suspect that on the - even on the new version, it's just an IP address and it doesn't mean that those that are involved are like the mainstream big stat resolvers. It's just an IP address. It could be anyone using that IP address for a DNS resolver anywhere.

So the tedious part would be to go down the tree and possibly find out where that address lies and double check with that possibly person whether the PC who's hosting the - you see what I mean? And that's a bit tedious. We're not quite sure whether that's useful. We can try and do that on a few cases, but I'm not sure we can do that for the whole part.

But yes, certainly for the first part, that's something we can do as an ISP.
And I won't - I'm not going to speak for the associations here, but I'm sure we can do that more broadly, at least within the European operators, both noble and fixed. That would be great.

Matt Larson: Thanks for that. Go ahead please.

Philippe Fouquart: Philippe Fouquart once again for the record. Short question. So looking at this slide, it's slightly different from the one that you have presented at work and it's different in that on ark, the idea about unbound anchors is presented as a capabilities. But so it's now confirmed?

Matt Larson: I'm sorry. What was different? I was pretty sure it's the same slide, but there's so many slide decks going flying around.

Philippe Fouquart: The old hypothesis, upgrading placement unbound and cannot try on again. So hypothesis. And here you - yes, these just towards upgrading both these unbound anchor.

Matt Larson: I have a recollection of making that change now that you say that. I don't remember. I wonder if I was just trying to - this might be an earlier version and I looked at it and said well, I'm not 100% sure. So I'll add the word. That's why I'm seeing. So I'll add the word hypothesis. And so - yes, I have so many versions. There's so many slide decks flying around. So I apologize for that. It was.

Tony Holmes: Okay. Any final remarks? If not, we'll certainly follow up with you, Matt. Thank you for coming and where we're trying to assist as requested, but also put links in on our website and we'll be in touch about links to an article, if that's acceptable.

Matt Larson: Okay. Yes. Thank you very much and I'll be in touch when I have that list published on a stable web page.

Tony Holmes: Excellent. Thank you very much. So we're in fear of catching up if I take a short cut, which is to cut something out of the agenda or push it back to later, which I'm going to do, which is the thing listed as GNSO council. There aren't any motions to be voted on at this council meeting. So I'm going to defer any discussion around council, probably deal with it very quickly at the end of our meeting.

What I'd took to do is to move on for one issue, and then we'll have a short break of 10 minutes. I would like everyone to come back after the break. But the next item is DNS abuse. Bryan Schilling I don't think can make it, but Lars, I think you were covering off this. Oh, you are here Bryan. Sorry. Lack of information. Welcome. Okay. So straight away, Bryn, over to you.
Thanks.

Bryan Schilling: Yes. Thank you for the invitation. I apologize. I know I was on the agenda in Abu Dhabi and I got double booked. So I apologize for being very late in meeting with you. Very much interested in hearing your feedback from your constituency.

What I'll start off with is a description of the role, that consumer safeguards role, as I understand it, was generated out of community interest in having a department or someone within ICANN that was going to facilitate discussions across the community about addressing DNS abuse. And either doing so within ICANN's limited remit, or having those discussions perhaps organically progressing to looking at policies to address gaps within ICANN's remit to address DNS abuse.

So in September of last year, we started off that process by hosting a webinar and I can get that back to you where we opened it up widely to the community where we were asking questions. We produced a summary of the

safeguards that we view coming from our Articles of Incorporation, the bylaws, policies and the contracts that we have with registrars and registries.

And we put that out for community input and feedback. Justifiably, there's this thing called GDPR that's got everybody really preoccupied. So we haven't had much discussion at all on safeguards yet within the ICANN community, other than a few one offs here and there, but yet we haven't come to any type of topic of consensus or interest that would cut across the various constituencies and supporting groups.

So that's kind of where we're at. I still have been doing some meetings with various members of the community at the different ICANN meetings and separate webinars. We recently started a project where I'm going back and looking at closed abuse complaints that have come into the compliance team.

They've recently taken on an effort last fall where they're putting out quantitative metrics on the types of abuse that's coming into ICANN. Before it used to just be a summary of abuse, but now they're breaking it into types of - that are being alleged, spam, phishing, trademark and IP infringement. But I'm taking that next step and looking beyond the numbers into the details to see what facts we can report out to the community to help again, facilitate a discussion about abuse.

So that's where we're at with the position. Certainly I'm hoping after 26 May we get a little bit more movement on some issues, but would really welcome any thoughts that ISPs have in respect to this role or areas of interest that you would like this position to look at.

Tony Holmes: Thanks, Bryan. So the 26 May day, just was for?

Bryan Schilling: Yes.

((Crosstalk))

Tony Holmes: Okay. Of course.

Bryan Schilling: Yes. I try to obliterate every reference to that from my mind where I'm not talking about it.

Tony Holmes: Yes. Okay. So let's open up for some comments. Any one that we want to offer? Any feedback now on DNS abuse to Bryan? So while this has certainly been on our agenda to have this conversation to kick off, but we haven't actually covered this. We haven't focused just on our monthly call either so far, which we need to do.

We've had a lot of remarks from our colleagues in the CSG around this. I'm sure you're well aware of that, particularly from the IPC. But in terms of a specific focus from an ISP perspective, I think it's something that we need to do that we haven't done. Wolf-Ulrich, are you on remote participation here? I think he's online.

Okay. Just a totally separate issue. Sorry. Okay. All I can say, Bryan, if no one has any comment here is that we will - oh, please.

Philippe Fouquart: Thanks. Philippe Fouquart. It's more of a question really. It's been on our radar so far too, but would you have - and my apologies if it's a candid question, but at least if it were only to initiate discussions within the ISPCP, would you have - I heard you refer to metrics, initial elements that you would share, or even pointers where some material could be valuably shared within this community, that would be helpful.

Even I hate to say definitions of it because you referred to - and sometimes on these things, we could be - it is tricky to define those. So if you have that, that would be useful.

Bryan Schilling: Sure. Thanks, Philippe, and I apologize. I think I forgot to start off in the beginning as Bryan Schilling, although he did introduce me. So first, before I answer that question, if it does come on the radar, I'm happy to participate in any of your monthly calls, or if you want to have a more tailored discussion about something, happy to do that any point in time.

But right now to answer your question, Philippe, under the compliance team's monthly reports, they have a dashboard. And in August of 2017, they started putting more granularity to their reports. Prior to that, just off the top of my head, if they got 50 abuse reports in a month, it just said abuse 50.

In August 2017, they totaled - so August 27 I think was 66 total abuse reports, and then they started breaking that down by the abuse that's alleged and the complaint. It doesn't necessarily mean that that's actually what's happening, but it's what the complainant is alleging.

And that is broken down into spam, pharming, phishing, straight out fraud, trademark and copyright infringement. And further down on those monthly reports, on their dashboard it does give some definitions as to how they're categorizing that and breaking that down.

But just in the past five months, the compliance team has received 353 categorized abuse complaints. Now, there's a lot more things that have come into the compliance team, but those are the number that we have concerning abuse.

Tony Holmes: So the issue is with those, some are going to be much closer to home for ISPs for our attention than others. Out of those 353, are there two or three categories that are overwhelmingly the focus for that? And if so, can you just say what they are?

Bryan Schilling: I can't I know there are. Unfortunately I just came from the IPC. So I was prepared for them and there were 18 trademark and copyright categorized

abuse complaints. But it kind of varies. In some months, I do recall the numbers of spam complaints were higher versus - and certainly some malware, but it does vary and fluctuate.

Tony Holmes: So that would probably be the sort of information that would help us focus down on that. So maybe what we should do is have a dialogue with you before we invite you on a call and ask you if you could come along with some of that information that particularly draws attention to the categories that primarily ISPs would feel that they would have some major concerns. That would really be helpful.

Bryan Schilling: That would be fantastic. I welcome that opportunity.

Tony Holmes: Okay. We'll certainly make sure that happens. Any final comments before we close? Well, thank you for coming, Bryan. Appreciate that and we will make sure that happens on our call. Thank you.

Bryan Schilling: Great. Thank you very much.

Tony Holmes: So we're at the stage now where I am going to break the meeting just for 10 minutes. So if I could just say, everyone please be back by 20 past and we'll roll on with the other agenda items from there. Three and a quarter hours is a long time to go without a break. So please return promptly.

END