
**ICANN Transcription
GNSO Council Meeting
Thursday, 13 February 2025 at 21:00 UTC**

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List of attendees:

Nominating Committee Appointee (NCA): – **Non-Voting** – Anne Aikman Scalese

Contracted Parties House

Registrar Stakeholder Group: Hong-Fu Meng, Greg DiBiase, Prudence Malinki

gTLD Registries Stakeholder Group: Nacho Amadoz, Samantha Demetriou, Jennifer Chung

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Lawrence Olawale-Roberts, Vivek Goyal, Osvaldo Novoa, Thomas Rickert, Damon Ashcraft, Susan Payne

Non-Commercial Stakeholder Group (NCSG): Farzaneh Badii, Bruna Martins dos Santos, Julf Helsingius, Tomslin Samme-Nlar, Peter Akinremi, Manju Chen

Nominating Committee Appointee (NCA): Paul McGrady

GNSO Council Liaisons/Observers :

Justine Chew : ALAC Liaison

Sebastien Ducos: GNSO liaison to the GAC

Antonia Chu: ccNSO observer

Guests:

Leticia Castillo, ICANN org Compliance

Peter Eakin, ICANN org

Roger Carney, Transfer Policy Review PDP Working Group - chair

ICANN Staff:

Mary Wong - Vice President, Strategic Policy Management (apologies)

Steve Chan – Vice President, Policy Development Support & GNSO Relations

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

Julie Hedlund - Policy Development Support Director (GNSO)
Berry Cobb - Senior Program Manager, Policy Development Support
Caitlin Tubergen - Policy Development Support Director (GNSO)
Saewon Lee - Policy Development Support Manager (GNSO)
Feodora Hamza - Policy Development Support Manager (GNSO)
John Emery - Policy Development Support Senior Specialist (GNSO)
Terri Agnew - Policy Operations Senior Specialist (GNSO)
Devan Reed – Policy Operations Coordinator (GNSO)

TERRI AGNEW: The recording has started and this is Terri Agnew. Good morning, good afternoon, and good evening, and welcome to the GNSO Council Meeting taking place on Thursday, the 13th of February, 2025. Would you please acknowledge your name when I call it? Thank you. Nacho Amadoz?

NACHO AMADOZ: I'm here, Terri. Thank you.

TERRI AGNEW: You are welcome. Jennifer Chung?

JENNIFER CHUNG: Thank you, Terri.

TERRI AGNEW: You are welcome. Hong-Fu Meng?

HONG-FU MENG: Present, Terri.

TERRI AGNEW: Samantha Demetriou? I don't see where Sam has joined yet, but we will reach out to her and see if we can get her on. Greg DiBiase?

GREG DIBIASE: Here.

TERRI AGNEW: Prudence Malinki?

PRUDENCE MALINKI: Present. Thanks, Terri.

TERRI AGNEW: You are welcome. Desiree Miloshevic?

DESIREE MILOSHEVIC: Present. Thank you, Terri.

TERRI AGNEW: You are welcome. Lawrence Olawale-Roberts?

LAWRENCE OLAWALE-ROBERTS: Present.

TERRI AGNEW: Vivek Goyal?

VIVEK GOYAL: Right here.

TERRI AGNEW: Damon Ashcraft?

DAMON ASHCRAFT: I'm here.

TERRI AGNEW: Susan Payne?

SUSAN PAYNE: I'm here.

TERRI AGNEW: Osvaldo Novoa?

OSVALDO NOVOA: Here. Thank you.

TERRI AGNEW: You are welcome. Thomas Rickert?

THOMAS RICKERT: Present.

TERRI AGNEW: Julf Helsingius?

JULF HELSINGIUS: Here. Thank you, Terri.

TERRI AGNEW: You are welcome. Farzaneh Badii?

FARZANEH BADI: Present.

TERRI AGNEW: Peter Akinremi?

PETER AKINREMI: Present.

TERRI AGNEW: Tomslin Samme-Nlar?

TOMSLIN SAMME-NLAR: Present.

TERRI AGNEW: Manju Chen?

MANJU CHEN: Here. Thank you, Terri.

TERRI AGNEW: You are welcome. Bruna Martins Dos Santos? I don't see where Bruna is on yet. We'll go ahead and see if we can get her connected. Paul McGrady? So, Paul is on, and he did alert us before the meeting started that he was finishing up another call, and if he didn't answer in roll call, it's just because of that, but he is here. Anne Aikman Scalese?

ANNE AIKMAN SCALESE: Present.

TERRI AGNEW: Sebastien Ducos?

SEBASTIEN DUCOS: I'm present, Terri.

TERRI AGNEW: Justine Chew?

JUSTINE CHEW: I'm here, Terri. Thanks.

TERRI AGNEW: You are welcome. Antonia Chu?

ANTONIA CHU: Present. Thank you, Terri.

TERRI AGNEW: You're welcome. We do have guests joining us today. It'd be Leticia Castillo, ICANN org Compliance, Peter Eakin, ICANN org, and Roger Carney for Transfer Policy Review PDP Working Group, the Chair. The policy team supporting the GNSO, we have Steve Chan, Julie Hedlund, Caitlin Tubergen, Saewon Lee, Feodora Hamza, John Emery, Berry Cobb, Devan Reed, and myself, Terri Agnew.

May I please remind everyone here to state your name before speaking as this call is being recorded. As a reminder, we're in a Zoom webinar room, and councilors are panelists and can activate their microphones and participate in the chat once you have set your chat to everyone, so please do that now for all to be able to read the exchanges. A warm welcome to attendees on the call who are silent observers, meaning you do not have access to your microphone nor the chat, just the viewing of the chat.

As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy. With this, I'll turn it back over to GNSO Chair Greg DiBiase. Please begin.

GREG DIBIASE: Great. Thanks, Terri. Welcome, everyone, to our February meeting. As always, we have a fair amount on our agenda, so I'll dive right in. I will start by asking if anyone has updates to their Statement of Interest. Tomslin?

TOMSLIN SAMME-NLAR: Thanks, Greg. And apologies, I can't turn on my camera because I'm doing some school drop-offs. Yes, I do have an update on my Statement of Interest, just to mention that I have started an agri-tech in Kenya, so that has been added to my Statement of Interest. Thank you.

GREG DIBIASE: Very cool. Thanks, Tomslin. Anyone else? Seeing no one, does anyone have any proposed amendments to our agenda that was sent out? Seeing none, I'll note that the Council Meeting minutes for our last meeting were posted on 26 January and should be available. I will also make a remark on the Projects in Action List, something we raised in the SPS that, while it might not make sense to go over this list every single Council Meeting, it is worth flagging when a project changes status.

So, I wanted to take this time to flag that the work on the transfer policy has proceeded to a final report. So that'll be a subject later in this meeting, but this was a monumental effort over the last three years and it's ending in a final report, so we'll be moving from the policy development phase into voting and hopefully implementation after that. So, I wanted to flag that as an updated

practice as we start these meetings to flag big changes like that. But more information will be coming from Roger as we progress. Next on our list is the Consent Agenda, and I think I have Tomslin to help me out with that.

TOMSLIN SAMME NLAR: Yes, certainly. Thanks, Greg. So, for the Consent Agenda, we do have a couple of items that the Standing Selection Committee has helped us selected. To confirm the GNSO-nominated ICANN Fellowship Program Mentor, the SSC selected Glen De Saint for that, and also the Selection Committee member, and that's Maud Adjeley Ashong Elliot. The third thing we need to confirm today is the Latin script diacritics PDP Working Group Chair, and the SSC has selected Michael Bauland for that. I'll pass on to for the voting, I believe.

TERRI AGNEW: Great. We'll go ahead and roll in to the voting then. Here we go. 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.

MEMBERS: Aye.

TERRI AGNEW: Thank you. And just to note, everybody was present for the vote, so I just wanted to note that. Seeing no abstentions, no objection, the motion passes. Back to you.

GREG DIBIASE: Thanks, Tomslin. Thanks, Terri. Excited for the volunteers there, especially for this Latin script diacritics to get off the grounds. I know Michael has helped out with a lot of other IDN-related efforts, so I'm really happy to see that. Item 4 on our list is an update from ICANN's Enforcement on DNS Abuse Mitigation Requirements.

A quick history lesson here is we had a DNS abuse small team looking at the very broad issue of DNS abuse and trying to get information from the community and analyze where work could productively be done. One of the things this small group noted was there may be a lack of enforcement mechanism on the current contract with contracted parties. So, for example, it said that registrars have to respond to abuse reports, but it didn't clearly say they have to mitigate abuse.

So, there was an amendment executed between the contracted parties and ICANN, and before taking the next step on DNS abuse, we wanted to allow some time to go by and see if Compliance or other parts of ICANN noticed any consequences of those amendments. And so, I believe we have Leticia here to provide an update from Compliance on what they've been seeing on their side, and we're going to think about this as it informs our thoughts on what our next steps should be on DNS abuse. Leticia, are you on and able to share?

LETICIA CASTILLO: I'm here. Thanks, Greg. Do you hear me?

GREG DIBIASE: Nice background.

LETICIA CASTILLO: Thank you. Hi, everyone. My name is Leticia Castillo. I am a senior director with ICANN Contractual Compliance. Thank you for the invite to present a six-month report. And first, my apologies, I could not join your call last month as planned because my family had to evacuate due to the LA fires, but I'm here. Happy to be here. Let's talk about DNS abuse.

The report slides. Can you go to the next slide, please? There you go. Thank you. The report was published in November, covers this first six months of enforcement of the new DNS Abuse Mitigation Requirements. At a high level, these requirements mandate gTLD registries and registrars to take mitigation actions aimed at stopping or disrupting well-evidenced DNS abuse. The requirements became effective on April 5, 2024, and since that date through October 5, 2024, six months, we launched, Compliance launched 192 investigations with registrars and registries regarding DNS abuse requirements specifically.

Most cases involved phishing, either alone or alongside other types of abuse or DNS abuse. The domain names were reportedly being used to impersonate governmental institutions, online stores, financial services entities, and others. Most reports

came from cybersecurity experts and from representatives of the impersonated entities, either employees or their legal representatives.

Two of the investigations led to formal notices of breach, one to a registry and one to a registrar, and this was during the first six months. On February 5, last week, we issued another formal notice of breach to another registrar for a phishing case with a domain name that was targeting a company that offers financial services across the globe. So, in the first six months, we issued two notices of breach but also resolved 154 DNS abuse investigations through the informal resolution stage of our process. This is without the need for a formal notice of breach.

And the informal resolution stage is where most investigations are resolved and closed across all complaint types, not just abuse, because the contracted party either approves compliance or remediates a non-compliance before escalation takes place. And I want to emphasize that while notices of breach are important, they are not the only indication that enforcement is taking place. Enforcement, remediation, and action occur even if they are not reflected on a public notice.

So, these 154 investigations resulted in the suspension of over 2,700 abusive domain names and the disabling of over 350 web pages. Also to point out that many investigations involving hundreds of domain names were closed after October 5 or are still ongoing, so these cases will be reflected in our common report. They are not included in the 2,700 domains that I just mentioned.

Also important to point out that we, Compliance, has visibility into the domain names and the actions that are related to our cases, not over the entire DNS ecosystem and all the actions that registers and registries are taking to combat DNS abuse and to fulfill their contractual obligations without ICANN Compliance intervention. Just noting that 16 contracted parties during this time period presented remediation plans. These are plans that are required where a failure is identified and affects multiple domains or systems beyond the case, the specific case, and the root cause must be addressed to prevent its recurrence.

I also wanted to point out that all these remediations are detailed, they're logged into the system, they're monitored for potential failures that are repeated. I wanted to point out that to date, most contracted parties that we have engaged with through our cases have been receptive, responsive, and demonstrated a willingness to learn the requirements were applicable and to remain compliant.

In June, we began publishing reports on the enforcement of the new requirements. These reports are broken out by type of DNS abuse. They start with April 2024 data and are updated every month, and we have been complementing this monthly metrics with reports that include highlights and more context examples similar to the six-month report that we published in November, November 8th. We will also be releasing a report after completing the ongoing registry audit that was launched in October, and that includes DNS abuse requirements.

Next slide, can you put it up a little bit for the chart? Thanks. This chart summarizes the reasons for resolving the 151 cases, DNS

abuse cases with registrars specifically. In approximately 52% of the cases, the registrar confirmed the DNS abuse and suspended the domain name, not just the domain names that were initially reported, but in many cases, additional abusive domain names that were discovered through the investigation within the same account, for example.

In 12% of the cases, the registrar took action to disrupt the course of the DNS abuse by, for example, contacting the registrar who then removed specific content within the URL where the DNS abuse was placed. And approximately 3% of the cases, the registrar took other action to stop the use of the domain name for DNS abuse. For example, the registrar sinkholed the name servers so that any user trying to connect to the abusive domain name was instead redirected to a control IP address.

And in approximately 21% of the cases, the resolved cases, the registrar did not find actual evidence that the domain name was being used for DNS abuse, and we deemed this compliant because we received a reasonable explanation supported by documents and evidence of what was done and how the conclusion was reached. For example, a registrar assessed all the information they had within the account, communications with the registrant, and determined that the domain name-- the reason had been approved by the organization believed to have been impersonated to conduct a simulated phishing program for which the domain name was being used.

The next slide, go up a little bit. Some updated information about cases resolved with registries, the total number for this period was three. All domain names were suspended. We had a fourth case

with the registry that only related to the abuse contact not being functional. That was resolved and closed.

Also to point out that the big difference in numbers, the cases for registrars and for registries is consistent with the fact that of the total number of complaints received, 94% referred to registrars and of the total investigation initiated, 97% referred to registrar, but there is no minimum of maximum that we require to initiate an investigation or to escalate an investigation. Proof of that is that during the same six months we issued a notice of breach to a registrar and to a registry. I think I'm going to stop here because I want to make sure that we have time for questions. Is that okay, Greg?

GREG DIBIASE: Yeah, thank you, Leticia. It looks like we have some questions going in the queue. First, we have Lawrence, where can we find the details of ongoing investigations of notice of breach?

LETICIA CASTILLO: Where we can find them? The website, I can put the link in there. Our enforcement page includes update of the statuses of the notices of breach, whether their extension has been granted, whether the matter has been escalated to termination, or suspension if it's a registrar. Those are updates that go to our enforcement page. I'll make sure to add the link there.

GREG DIBIASE: Yeah, thanks. So, we have Vivek and then Farzaneh.

VIVEK GOYAL: Thank you, Greg. Thank you for the great presentation. Can you go to a slide back, please? I think slide three with the pie chart, yeah. Of the 52% there, it says the registrar took action to stop the DNS abuse by suspending the domain name. So, my assumption is that whosoever made the complaint to ICANN first reached out to the registry or the registrar and made the same complaint there. So, can you help us understand what is it that was done differently by ICANN Compliance that made the registry or the registrar take action now as compared to when they directly received the complaint from the party that was being harmed?

LETICIA CASTILLO: That's a great question. So obviously there's a lot that depends on the context, but a clear example is if we get the complaint and it is possible that the registrar is still investigating when we are getting the complaint, so we contact them and they come back to us and say, yeah, complete the investigation. This is the evidence. This is what we did. This is where it's taking us. It has taken us 5, 10 days where we took us so that they confirmed that and that was the suspension was done at that moment.

We do have cases where the contacted party did not take the appropriate action when the report was submitted and they do when we initiate the investigation, and where applicable is where they will provide us with the remediation plan because the obligations need to be compliant with without ICANN Compliance intervening. That's what we all expect.

GREG DIBIASE: Thanks, Leticia. Oh, sorry, Badii.

FARZANEH BADI: Oh, yeah. Hi. Thank you, Leticia. So, my first question was, what's this 12% all others? It's in orange.

LETICIA CASTILLO: Yeah, can we put-- I'm not sure if the slides are-- They're not being projected now, right?

FARZANEH BADI: No, they are.

LETICIA CASTILLO: They are?

GREG DIBIASE: Yeah, we can see it.

LETICIA CASTILLO: That's weird. I cannot see them. Sorry, I'm just going to try to speak from my memory. So that 12, so we have the percentage that was for a suspension of domain name. We have the percentages with this, the stopping the DNS abused through a different mean. We have the disruption, correct? And we have the others.

The others can be cases where, for example, the matter did not really involve a domain name, but it was about the abuse contact not being published. So, they couldn't, they did not report a domain name for us for the investigation, but their requirement to facilitate the reporter mean to report the domain name to them was not compliant, and that's what we would investigate. So, that would be in an example of the other.

FARZANEH BADI:

So, it would be good to-- This is really great information. And usually, I'm an enemy of the others category because it is very vague and we just kind of, and I'm guilty of doing that as well in my work. So, I totally understand that we need to have it, but sometimes it's better in some cases that you can, it's better to be clear.

And now one thing that is, let's just say this is not necessarily addressed to you. I don't know what to do with this comment, so I'm just going to raise it here and maybe we can have a conversation about it if the group needs to later. So, the report, the compliance report is very outcome oriented. So, it says that, okay, we had the compliance, there was the kind of like the success factor of compliance signals to the registrar that if you disable domain names, this many domain names, then you are in the clear. And that's what we don't want to do.

So, we don't want to incentivize registrars in order to mitigate DNS abuse to consider disabling the domain name completely. And we want them to have certain processes in place and not feel obliged that like a success factor is taking down the domain name. I

mean, it is for transparency reasons, it's great that we have a suspension of domain names and how many times the cases have led to suspension.

But I think that we need to be clear. I don't know how or what avenue, I'm open to a conversation and recommendation by the group, but I don't think we should signal to the registrar that, yes, if you disable the website, that is a success factor. That's just one comment that I have. Thank you, Leticia. Sorry, I took time.

GREG DIBIASE: Thanks, Farzi. Justine.

JUSTINE CHEW: Thanks, Greg. This is Justine. Thanks, Leticia, for presenting this report. I had two questions. First one is, I read in the full report somewhere, and I can't find it for the life of me, there was a mention of ICANN working on guidance materials. I believe it is for supporting complainants or, yeah, complainants, right? Can you provide us an update on where you are with those materials?

LETICIA CASTILLO: Yeah, thanks for the question. Yeah, you're right. So, there is a section within the report where we explain that we do receive a very large number of complaints that are not actionable on our end. And we are working on different initiatives, designing different initiatives, taking the information of what we're getting and why are those not actionable on our end, what we need from the complainant.

There are different layers for that effort. For example, we already took action, let's say, for complaints that only involve country code top-level domains. Because all this in complaints that are invalid also, we want to provide information to the reporters, help them as much as possible. We want to make sure that our team has time to dedicate to the valid cases.

So, for country code top-level domain, for example, we implemented a chainer system that automatically closed those and sent all the information to the reporting party so they can have the information who would be sending them automatically. So that is just all the information where to go, why we cannot address your complaint, where you should go.

Now, we are at the stage of gathering all the information from our team, from where we're seeing metrics, et cetera, with why are we still seeing the other complaints that are not so black and white, what it is that we're normally missing from reporting parties, what it is that they're not-- how we're not understanding each other, and what we want to put out. And we're at the point of, like I said, gathering the data and metrics analysis. And metric is an easy-to-use document that can be put out there with that kind of information. This is what we need, and this is why we need it, and if you don't provide this from the beginning, we will need to follow up and add to the case.

So, we have certain low-hanging fruit actions that we already took. There is a big one, which is making sure that we produce an easy-to-follow, easy-to-read guide for those coming to us for help, so hopefully that can improve the communication and resolution time, et cetera.

JUSTINE CHEW: Sure, so I understand that what you've explained is this material is targeted to a number of things, trying to minimize time taken for ICANN staff to go and verify certain things, bringing awareness to complainants that you need to provide ICANN with all this information before any sort of action can be taken, or even complaint can be reviewed to begin with. So, I understand all that. I think that's good.

I also believe that that is targeted towards bringing down the figure of 25% where you reported that action is not taken because of this lack of information from complainants, so I think that's targeted towards that. Well, the question was what is the status of that materials? It's still being worked on, I understand. Do you have a target date for when certain things might go live?

LETICIA CASTILLO: We don't have a date yet for this guide that I was mentioning. We don't have a date yet. I don't want to say something that will not be accurate.

JUSTINE CHEW: Okay, fair enough, fair enough, so it's a work in progress, understood.

LETICIA CASTILLO: Yes.

JUSTINE CHEW: The second question, if I may, Greg, is so the plan is to have six monthly reports, so every six months ICANN Contractual Compliance will issue a report like this. Is that right?

LETICIA CASTILLO: So, we're going to continue giving updates as much as we can. So, we have the monthly metrics that those are updated every month, live every month. So, we prepare the more detailed six-month report. We're working on also more detailed one-year report, and in between those dates, we have issued, for example, before-- I can't remember which one. ICANN80 was in June. Before ICANN80, we issued a blog with an update. So, while we are in between those dates, we will continue to provide as many updates as we can, either through blogs, through more detailed reporting, or participating in meetings, providing updates. During the prep week, we will also have our program update where we give updates. We want to be able to provide as much information as possible, yeah.

JUSTINE CHEW: Okay, that is much appreciated. So, if I may just simplify the question. In the next iteration of this full report that you've provided to us, would that include outcomes from any cycle of audits?

LETICIA CASTILLO: A great question. So, when the audit is completed, it will have its own report published as well with key findings of the audit. The audit is ongoing. I don't know a date for conclusion, so I don't

know if it's going to be concluded by then, by the time the first year, but any relevant information that relates to DNS abuse will also be included in our reporting for DNS abuse.

JUSTINE CHEW. Fair enough. Thank you.

GREG DIBIASE: Great. Thanks, Justine. Vivek, and I'll close the queue here because we're running slightly over on this topic.

VIVEK GOYAL: Thank you, Greg. I'll be real quick. I think it will also help to see the number of complaints received, and the average time it takes for ICANN Compliance to work on them and send them to the registries and the registrars as required, or as appropriate.

The reason I'm asking this is once there will be a peak in the complaints ICANN receives, and then because of all the outreach and education that ICANN Compliance does to registries and registrars, the number of complaints should decrease. Because it should not happen that everybody believes sending it to ICANN will work, but sending it directly to the registrar will not work. So, capturing that number will help to see the success of the outreach and the education that ICANN Compliance is doing.

Secondly, I think it will also help to clarify the actions on this pie chart. Specifically, if you read the one in orange or yellow, it says the registrar took action to disrupt DNS abuse, but the blue one

says the registrar took action against DNS abuse by suspending the domain. The green says the registrar took other action to stop DNS abuse. So, it might be helpful to look at all the actions that were taken to stop DNS abuse and what numbers fall where. Thank you.

GREG DIBIASE: Thanks, Vivek. Well, great. Thank you so much, Leticia. That was a great presentation and really helpful information. I'll also note what Feodora has put in the chat. It's a link to a webinar on the INFERMAL Project focused on malicious domain registrations. So, we don't have time for a more robust discussion on next steps now, but I'd like councilors to internalize the information provided by Leticia and the resources she provided on compliance, as well as this information on INFERMAL. Discuss with your groups and then in the coming meetings, we'll have a more fulsome discussion on what next steps on DNS should be. So, any questions on that approach or last-minute questions for Leticia while we have her? Okay, great. Jennifer.

JENNIFER CHUNG: Sorry, Greg. This is Jen. It's very early for me, so apologies for not being able to turn on my webcam. I guess more of a general question for Leticia. So, it has been six months. We had that report back in last November. I was just wondering if Compliance has learned anything from the six-month Compliance, I guess, practices. And going forward, I think Justine already asked regarding the every six months report, would there be any other different methods of enforcement that Compliance is considering

due to these learnings? Any type of proactive enforcement? And I guess I'll pause there. Thanks.

LETICIA CASTILLO:

Thanks, Jennifer. So, definitely the lessons learned that the Compliance team has acquired during the six months is through the context of the enforcement. We are gaining better insight into the requirements, the information that the registrars and registry get, the information about the type of DNS abuse, type of evidence, action, et cetera, et cetera. So, we have gained this insight. We're gaining it through the enforcement of the requirements. And as we do that, we will start looking into expanding the means of enforcement.

You mentioned proactive monitoring. We're definitely looking into that as we gain more insight into our learning for the enforcement of the new requirements. For now, we receive a lot of complaints, a lot of good complaints for cybersecurity experts. We're acting on those. We're posting results. So, I'm not sure if I answered your question. We have learned a lot, we continue to learn, and we're definitely looking into design and other means for enforcement.

GREG DIBIASE:

Great. Thank you, Leticia. Great question, Jen. All right. With that, let's move on. Thanks, Leticia and ICANN. And we'll be following up, I'm sure, in not too long.

LETICIA CASTILLO: Thank you so much. Bye-bye.

GREG DIBIASE: Bye. Next steps, we have a quick update on the Policy and Implementation Policy Status Report. And it's an assessment of the effectiveness on basically the tools of the GNSO policy development and implementation process. So, for example, the EPDP, GGP, GIP, many of these things that fall under the scope of what we do. So, we have Peter from ICANN to give a quick presentation, and then we can ask questions after that. Peter, you're able to jump on?

PETER EAKIN: Thanks, Greg. Yes. So, as you kindly introduced me, my name is Peter Eakin and I work for ICANN org in the Policy Research and Stakeholder Programs team, which is part of global domains and strategy. And I'm very pleased to be invited to speak to you once again about the policy status report on the policy and implementation policy recommendations, which Greg just summarized. And they were adopted by the GNSO Council in 2015.

I last spoke to the Council in September, where I discussed the results of the recent public comment period on the report. And today I would like to present the observations of the PSR and propose some potential next steps for the Council's consideration. So, if we can skip to slide three.

I won't belabor this point. I think a lot of you are familiar with the context of this, but for those that aren't, the origins of the policy

and implementation recommendations came from community discussions arising from the implementation issues of the first New gTLD Program, which there was an increased focus within the ICANN community on defining topics which call for actions and policy issues.

So, in April 2013, we decided to form a working group, which was tasked to provide a set of recommendations on a number of questions specifically related to policy and implementation in the GNSO context. So, an initial report was published in January 2015, and the final report followed in June that year. In 2023, the Council requested that ICANN org start work on a PSR, which was published for public comment in May 2024, and was submitted to the Council this month.

Next slide, please. As Greg pointed out, the purpose of this was to assess the effectiveness and the use and performance of the policy and development tools that ICANN org use to implement the policy. Some of these are, as you can see, fairly well known and sort of renowned in the policy and implementation context, the EPDP, the GGP, and even up to the IRT and the CPIF.

So on to the next slide. Public comment period, it was posted on the 16th of May, and it ran to the 2nd of July last year. We received five comments and very useful comments and detailed input from the community on this. Overall, the comments supported the conclusions of the PSR and reached a consensus on the need for further research to identify more efficiency and modification within the implementation process. An overview of the public comment was presented, as I mentioned, to the Council last September and we will now turn to a brief overview of the

report's observations and conclusions. And I would like to take this as we are assessing the tools on a section-by-section basis.

Next slide, please. To begin, on the expedited policy development process, PSR found that the EPDP has actually contributed to a shorter overall time frame for the delivery of an initial and final report to the Council. To be exact, the average number of days is quite a dramatic reduction. It is around 354 to 504 days, down from well over 1,000 for both counts.

However, the report identified some misunderstanding in the community over the true nature of the expedited process, mainly that the term was misconstrued to mean that the overall policy development process is expedited and in reality, it is only the issue report phase that is eliminated. PSR also questions whether additional guidelines are potentially necessary to clarify when policy recommendations are intended to impact pre-existing policies and contract requirements and ensure that critical issues are not deferred to the implementation phase.

And this uses an example of the first EPDP process phase 1 on temporary specifications, in which instances of recommendations were found to be unclear as to their intent or intended impact, and these needed extensive conversations with the IRT and collaboration with the Council to address, for example, issues around urgent requests. Accordingly, the PSR suggests whether the Council might consider whether additional guidelines are necessary to avoid this issue.

Next slide, please. On the GGP, which stands for the GNSO Guidance Process, it's like an EPDP, for those who don't know,

with the primary difference that the recommendations don't result in new consensus policy and contractual obligations for contracted parties. The news wants to date in the recently launched Applicant Support Programme. On the GGP, the PSR found that it was actually effective in providing clarification and advice on policy recommendations, but it does suggest setting more comprehensive targets and ensuring better communication between Working Group Council and ICANN org may have helped align expectations on its role and goals.

It also proposes that when a GGP is initiated, that potentially additional guidance could be provided. A process step, for example, could be considered to coordinate on the expected timing with any active or planned implementation work and manage expectations of the scope and outputs of the GGP for all involved. It also discusses whether the Council may consider providing more direction on the level of detail and guidance appropriate for the GGP and encourage more direct community involvement to help refine the process in the future.

The next tool, as it were, is the GIP, the GNSO Input Process, and this was intended to be a mechanism which the GNSO would provide input on matters that may not involve the gTLD policy as yet, but it hasn't been formally used. As such, the PSR could not assess its effectiveness, but noted that the use of the GNSO small teams was similar to that anticipated for the GIP, in the sense that the Council has issued non-binding advice during this time and these letters have been drafted in small teams.

So accordingly, public comments, as the PSR notes, were divided on the continued relevance of the GIP, some advocating its

retirement, while others supporting its theoretical value. Some comments also noted support for replacing the manual for the GIP with a guidance developed for GNSO small teams. Conversely, other comments suggested that the manual could be revised to include practices and learnings derived from small teams, and that the GIP is worth, in a theoretical sense, being retained as a process separate to the small teams.

In the next slide, IRT Principles and Guidelines. If you've ever been actively involved in an implementation process for the ICANN, you'll be aware of an IRT. Together with the Consensus Policy Implementation Framework, the guidelines for the IRT set out how implementation is expected to be handled, and includes various community roles and ICANN org responsibilities.

The PSR found that these guidelines have been very useful and they've created the necessary clarity in relation to the different roles and responsibilities in the implementation process. However, they identified potential additions to the guidelines, e.g. providing more clarity in roles and responsibilities when resolving disagreements over implementation issues.

It also notes or suggests a potential exercise to gather data on IRT time utilisation during the implementation process to determine how guidelines and principles may have contributed to extend the community efforts and implementation timelines. This could help pinpoint the root causes of, say, extended timelines and reveal opportunities for streamlining the policy process and implementation process.

Next slide, please. On the Consensus Policy Implementation Framework, or the CPIF, PSR found that it too is an important and effective tool for policy implementation. Clearly, it defines expected roles and responsibilities of all the parties involved and allows a readily comprehensible evaluation of the status and progress of a project against defined timescales and goals.

It does note, however, that the CPIF has not been updated since 2018 and lacks reference to the additional implementation steps developed subsequently. It also identifies a number of gaps. For example, there were two updates that were brought to the Council in 2019 which have yet to be approved and incorporated.

The PSR also proposes research into the CPIF itself, looking at the level of adherence to the various steps throughout the implementation process, which could be undertaken as part of an ICANN org review of its overall structure and effectiveness. It also recommends incorporating the existing IRT guidelines into the CPIF itself to avoid duplicative guidance.

The next slide, please, which actually, there's a table I want to walk you through. Based on the observations of the PSR, ICANN staff have gathered a list of potential next steps and further actions for the Council's consideration, which reflect and stem from the conclusions of the report. These are intended as suggestions and ideas to help the Council in deciding its approach to the report. They're not recommendations, and it's ultimately for the Council to determine the way forward.

The next steps split broadly between options to enhance the operation and effectiveness of certain processes, discussions on

their use and relevance, and suggestions for further investigation and research to identify potential improvements. We've noted where the ideas may be originated from or which body or area might be responsible for leading on them, but in truth, everything noted here would be in some way a collaborative effort between staff and the Council.

So, on the EPDP, a suggestion is made that the proposal to promote greater community awareness of the PDP and EPDP processes, their characteristics and differences in the situations where each is appropriate. The report suggests, or we suggest, that we could identify new opportunities for participants to improve, streamline, and or expedite the process, including potentially the Council might consider eliminating the requirement for early input where appropriate on a case-by-case basis.

The Council could give consideration of whether additional guidelines are necessary to clarify where policy recommendations are intended to impact pre-existing policies and ensure that the issues we outlined before weren't deferred to the implementation phase.

GREG DIBIASE:

Thanks, Peter. Can I just cut in real fast? Sorry. So, I think I understand this action table is the idea that I think we had a suggestion that the SCCI would look at these proposed actions and evaluate them. I'm just, I don't know if we have to have time to go into each right now.

PETER EAKIN: That's totally fair, Greg. Yes, indeed. That's the ultimate conclusion. Essentially, that we would work with the Council and policy team and the Standing Committee for Continuous Development to assess the recommendations and work to help the Council implement its decisions.

GREG DIBIASE: Right. So, I want to leave time for questions. Sorry to cut off your presentation slightly here, Peter.

PETER EAKIN: No problem.

GREG DIBIASE: But yeah, the first couple of slides were really helpful background. We're slightly over time and I want to make sure we have time for questions. So, let's go to Anne first.

ANNE AIKMAN SCALESE: Great, thank you. This is quite comprehensive and I probably haven't had time to digest absolutely everything in all those documents, but I did have a couple of comments and then maybe one question. With respect to clarifying roles in relation to the IRT, for example, issues have come up in relation to implementation guidance in particular.

During SubPro, for example, I recall Karen Lentz telling us from GDS that implementation guidance, that was going to happen unless it was impossible or whatever. And then in response to the

ODP in question set four, Council responded, hey, look, if you can't do it as specified in implementation guidance, you need to let us know and we can let the IRT know or we can work it out. So, there is some history there that needs to be examined as we talk about how those roles get clarified and defined.

Then I also noticed in the write-up on consensus policy implementation framework that there's a reference to incorporating the operational design phase into the consensus policy implementation framework, but generally what I've heard in the community is that the ODP was not a particularly helpful tool and we're trying to address those issues well ahead.

So my point in making these, in other words, they should be addressed during the working group process. And so, the reason I bring this up is it has to do with that process, the question that Greg raised, especially because, I mean, I did work on the policy and implementation working group and for example, the GNSO input process, that's in the bylaws and that would have to be, addressed when we look at that.

And so, my question is, do we think we could get all this done without having an amended policy process, or is there some of it that involves some kind of additional policy process to amend the policy process? So, there are some very important questions to be addressed here and we appreciate all the work. Thank you.

PETER EAKIN:

Thanks, Anne. The work plan is more detailed than what we're showing here, it's obviously more of an overview. In terms of your

point on the ODP, I just want to make clear that that would not be even considered to be added until after the community consultation, which we're finishing up. And the idea, I think, is around the suggestion to incorporate the IRT guidelines into the CPIF is more to make clear that centralize all the guidance related implementation in one place. And that obviously is, it's a big process.

So, the idea is to try and make-- I think the guiding principle behind a lot of these suggestions is to try and streamline and make the process as comprehensible and as efficient as possible. Obviously, that will take some work, but yes, we would be sensitive to not to follow all the relevant sort of procedures around that and sensitive of how that work might impact on other areas too.

GREG DIBIASE:

Yeah. Thanks, Peter. And I think, as Anne's question showed, there's a lot of nuances to understand here. So, we're slightly over time, considerably over time now. My proposal would be to bring this to the SCCI, let them start work, identify questions like Anne's raising and identify avenues for improving our processes. Any concerns with those approach or final questions for Peter? Anne says sounds good. Okay. Great. Thanks for this great work, Peter. Really appreciate the presentation and looks like our new SCCI has some work to do. So, thanks again.

Okay. Moving on to Item 6, EPDP Phase 1 on the Temporary Specification, the question regarding billing contact. So, we touched upon this last Council meeting. It's a kind of interesting

situation in which the billing contact was not referenced, but the IRT made a determination that they thought that that was a drafting error, and it should have been mentioned that it is no longer collected because there is an obligation in the 2013 RRA for collection for data escrow, which we noted on the list is different than for registration data. So, I'm going to let Thomas jump in here and set the stage, and we'll open it up for conversation on this topic.

THOMAS RICKERT:

Thanks very much, Greg. I think that the topic, the way you described it, has already been covered quite well. Just to get us all on the same page, all of us have been asked to go back to their respective groups and answer two questions, and that is whether we think that this was in scope for the EPDP to work on and whether we think that we wanted to change this RRA requirement and there's consensus to make this rectification. I'm not sure, do we have the responses from our councilors in? Greg, do you know?

GREG DIBIASE:

No, I think we're still in the discussion stage. Staff can stop me if I'm wrong, but I still think we're just opening up the floor and getting opinions unless you had further background to provide.

THOMAS RICKERT:

No, I don't think there's additional background.

GREG DIBIASE: Okay.

THOMAS RICKERT: Maybe just to add one aspect, and that was with respect to the methodology that we've been using in the EPDP during phase 1. The way we worked at the time was to actually take a look at all the processes, all the data elements that were collected and see what's necessary for ICANN to perform its task. It was an approach that you would typically use when you're trying to make processes GDPR compliant. It's what do you need and is there a legal basis for what you're doing?

The way the discussions went, and correct me if anyone on this call thinks that my recollection is inaccurate, is that we went through all the different data elements from a registrant. What data elements do we actually need from the registrant? What data elements do we need, if any, for the admin C? What do we need for the tech C? And so on and so forth.

For the billing C, we also had discussions on that, but we concluded that the billing C was actually hardly ever used in practice these days. If you are charging a domain owner, you would typically not do that, or a registrar wouldn't do that by reaching out to the billing contact, but they would send the invoice to the account holder that has been set up with the registrar. And therefore, there's no real reason to actually continue to collect the data for the billing contact.

The mistake, in my view, that has been made at the time is that we didn't properly record this to give crystal clear instructions to

the IRT to embed this in the policy. So, this is why we see this discrepancy between the data for the admin C, which has explicitly been made optional, and the data for the billing C where the registration data policy is silent. And since the escrow exhibit to the RAA requires the billing contact to be collected, and since we didn't overrule that, so to speak, with the registration data policy, we now have this conflict of the billing contact technically being required to be escrowed, and that I think contradicts the spirit of what the EPDP concluded.

GREG DIBIASE: Okay, great. Thank you, Thomas. That's very clear. I see a queue building, so we'll start with Damon.

DAMON ASHCRAFT: Sure, thank you very much. I'm certainly not an expert on the EPDP because I wasn't involved the level I'm at now, but my understanding was that was really a separate set of data. And I think at a more global level, I have a lot of concerns with saying, well, because the working group didn't touch on something, we should still go ahead and make a change to the RAA. I mean, I don't think that's right. I think we should be much more careful in the changes that we're proposing because anytime a group didn't suggest something, we could say, oh, it was just a mistake, and they meant to suggest it. So, I think there's a dangerous precedent here if we were to go forward and make a change based upon something that was never really suggested.

GREG DIBIASE: Great. Thank you, Damon. Farzi?

FARZANEH BADII: So, I just wanted to mention that actually the group discussed the billing contact. And as I have shared on the mailing list on two separate occasions, registries and registrars, in their comments and suggestions, they repeatedly say that billing contact as well as admin contact and all that should not be in the registration data, it should not be considered as registration data. And I have shared that on the mailing list with you.

And another thing, so the mistake is not that we did not substantively discuss this. The mistake is an editorial mistake. It is that the billing contact was not just added like admin and tech was. So, we are not making any new policy. We are not doing anything like that. We are just doing an editorial. And I also wanted to-- we discuss this at NCSG at length.

Also, we were a little bit confused by the questions, but in the end, we support the outcome that if ICANN org receives this confirmation from the council that it concludes that billing contact data is no longer required to be collected, retained, or transferred to the data escrow agent, ICANN org will begin the process of updating, which means removing current requirements related to billing contact. So, this is the outcome that we think is desirable, and it is in line with what EPDP discussed.

Also, I have one personal thing that I just want to clarify that I don't think billing contact should be mentioned in ICANN's policy, especially in registration data policy. That has a disclosure

requirement in any shape or form. So, I don't think, I don't believe that billing contact should be optional either, and I don't think it should be mentioned in the policy. Thank you.

GREG DIBIASE:

Thanks, Farzi. So, I put myself in the queue just to put on my registrar hat for a second. You know, I did find it, we do find it compelling that it was discussed as Thomas described, and that we believe the error was in not properly documenting. But I think Sam describes that position well in the chat as well. But let's keep going to get other perspectives. Susan?

SUSAN PAYNE:

Yeah, thanks, Greg. So, I think the fact that we're talking about the EPDP is almost a red herring. Because I think it's right that the billing data isn't part of that registration data that everyone was focusing on in the EPDP, which was basically the data dealt with under the temp spec and the data that everyone was thinking about in terms of what needs to be collected and what can be transferred to who and so on. And in the RAA, it's treated in a different manner. It's never been data that was disclosed in the same way. It's not within the definition of the registration data in that RAA document. It has a different status.

And so, yeah, there's a passing reference in the EPDP charter to billing data. But it's just as an example of data that the group might consider. But I think what the group was really considering was the temp spec, and whether to affirm or what changes they needed to make to it. And so, focusing in on the EPDP is a red

herring, because I don't think we're really treating it as part of their remit. And really, I think to echo what Damon said, it may have been discussed to some extent in the EPDP. But as Thomas has acknowledged, that wasn't captured. And it cannot be the case that we have quite a significant change to the status quo made without any kind of recommendation. You can't even really see the discussions captured in the final report.

And so, this isn't me saying, you must keep this data. You absolutely, it has to be retained. It's me saying that I don't think that this is the right process to just say, no one made a recommendation. Therefore, we think they probably meant to, but they just didn't do it. So, we should get rid of it anyway. That's just not the right process. But I think a purposive process, which could be a really simple brief process to amend the RAA, provided it goes through the usual process, and it has the proper checks and balances and considers, make sure that it considers that there might not be an intended consequence or something like that. And there's a public comment opportunity.

You know, this could be resolved relatively quickly. It just shouldn't be resolved by arguing that it was an accident that no one mentioned it. Because I'm sorry, I think if something this important was going to be a decision, then it needed to be a decision, and it isn't.

GREG DIBIASE: Thank you, Susan. Lawrence?

LAWRENCE OLAWALE-ROBERTS: Thank you for this opportunity. And I want to say that Susan captured my thoughts perfectly well in her last exposure. So, one major concern is going the route that is being proposed, it will not only be alien to the process of amending contracts across board, but will not also give an opportunity to have the issue of a billing contact properly even discussed when the document or the final report goes out for public comments.

The BC still feels that this is a drafting error. And most especially because we see the billing contact as probably the most important data set collected after the registrant detail. The billing to contact plays a very, very vital role in the life of any domain. And right now, we can't clearly say what will subsume that particular role the billing contact plays if it is no longer collected.

And for time, I will just give this example, especially for my side in Africa. While the registrant is expected to be the person who owns the domain, in a lot of cases, the reseller through whom the registrant is buying the domain is usually the billing contact. So, where we no longer, where we do away with that particular detail, there could be that problem of who pays for the domain, or who continues to pay for the domain, or who continues to receive reminders about the life cycle of that domain when it falls due. It might not be the case in the global north, but for the global south, in a lot of cases, it's not the registrant who gets to play the role of the billing contact.

And so, there are other unintended issues that might come out of this fiat approach of let's do away with the billing contact. I think that we need to carefully explore. I mean, there needs to be, the proper process needs to take place on determining if the billing

contact has, if there is an alternative to the billing contact, if there's something else that can resume that role and not just by fiat, pull it off the contracts for collection. Thank you.

GREG DIBIASE: Thanks, Lawrence. Sam?

SAMANTHA DEMETRIOU: Thanks, Greg. This is Sam, for the record. I raised my hand to respond to something that Susan had raised in her last intervention, which was, she mentioned that there was only but a passing reference to the billing contact in the context of the EPDP. And I did just want to go back to the charter that governed phase one of the EPDP.

There is a specific charter question that asks about the collection of data and which data elements should be collected. And it specifically asks for the registrant contact, the tech contact, the admin contact, and the billing contact. And those are all capitalized terms in the context of this charter to recognize the role that those contacts play in not just the existing ecosystem, but in the policies and the contracts that govern the actions of registries and registrars, right?

I don't think it's necessarily fair to say that it was just a passing reference and that it wasn't given, I would say, like the due consideration. And if you look at the actual recommendation from the EPDP's final report there are a number of recommendations about specific processing steps that don't reference the contact fields and the contact categories that are not considered to be

necessary for those. So, the big one, right, is pretty much the whole elimination of the admin contact in a lot of cases. So, the recommendation around escrow does not include admin contact. It also doesn't include billing contact, right? So, I think there is just a strong case you made that there was proper and due consideration of the billing contact in this context.

GREG DIBIASE:

Thanks, Sam. I might skip real quickly to Thomas, if you had any clarification to keep us on track. Was there a clarification or a new point?

THOMAS RICKERT:

It is a clarification. I think we need to be crystal clear in terms of the billing contact that we're discussing. And it's my impression that we are maybe conflating issues. So, it is true that the billing contact follow the money, is an important data point when it comes to law enforcement investigation. So, when law enforcement authority goes to registrar, find out who the bad guy is, or the bad girl or woman, whatever, they might ask for the billing data that's been registered with the registrar. But that pertains to the billing contact for the account holder. And that is a different set of data than the billing contact that is used in the DNS with the set of registration data, right?

I think if we look at the substance, I've heard no one say that we need to keep the billing contact in the registration data. I have not heard of a single case in the last 15, 20 years or something where this contact has actually been used. And I think it would be odd to

say the least, that we got rid of the adamancy, which was maybe even of better use for everyone, and then keep a requirement to collect and escrow the billing contact data, right?

So if we can agree that the billing contact is not needed, and that therefore, due to the principle of data minimization, should not be collected. If we agree that the billing contact is or the billing data is important data at when it sits with the account holder data that's something that we don't touch. So, we don't want to impede investigations, right? Then I think the only remaining question that we should discuss is how do we get this problem solved, that we did accurately capture the results of the discussion at the time, without unduly encumbering the Council and the GNSO community with additional processes.

You know, we had so many discussions about Council being effective or the GNSO being effective and not too formalistic. So, I think that it would be good for us to show progress on this, if we're all aligned on the outcome, that we don't take great detours to achieve the result that we all converge on. Thank you.

GREG DIBIASE:

Great. Thanks, Thomas. And yeah, I'll just go back to what Susan said. She seemed to be making more of a process point than a substantive point, right? That basically, because it's not mentioned, that doesn't mean it can change a clause in the RAA, which I understand, right? So, I'd maybe like to focus this conversation more on the process point. So, let's say if IPC and BEC is uncomfortable with silence, even if there was a discussion

that wasn't captured, changing the RAA what would be the right and most efficient way to remedy that, right?

If we can't just decline and say it's a drafting error, then I think we should also consider about what's option A or B, right? So, I'd like to avoid a PDP if possible, given, I think, that we're not that far away on substance. And at least if I'm understanding Susan correctly, she's making more of a procedural point. So, with that framing, let me go to Damon and then Paul.

DAMON ASHCRAFT:

Sure. Thanks for letting me speak twice on this issue. You know, as I'm hearing everybody talk, this whole discussion that it was discussed, that actually gives me more concern because if things are discussed and there was no actual final determination made, that makes me even more leery of trying to say, oh, it was just an error, and it wasn't, and we actually meant to make a recommendation. I mean, this Council has lots of discussions that don't necessarily result in final decisions, and we wouldn't want our discussions or points made to be morphed into a final decision.

And the other thing is, I think this also goes to a credibility issue for the Council in that we shouldn't be changing things if things aren't clear and trying to make those leaps. And it certainly seems that's where we're at this point. So, I think this needs to be done right, and it needs to be formally addressed before we make a big change like this. So, thank you.

GREG DIBIASE: Thanks, Damon. Paul?

PAUL MCGRADY: Thanks, Paul McGrady here. So, I have a different view than Damon does. My view on this is more aligned with Farsi's and, frankly, with Susan's solution to what Farsi brought forward about it having already been discussed. I'm worried about the precedent that if we don't catalog in an omnibus, exhaustive way, everything that we discussed, even if we're not making a recommendation on it, that final reports will be 10,000 pages long.

And in this case, it was a question. The question was put to the group. The group came out. They gave a report about what they thought should be next. Yes, this element, what doesn't sound like it was specifically addressed either in the positive or the negative. But to me, that's scary to say that everything, every possible iteration has to be captured.

We have to remember, too, that this is a bit of a tempest in a teapot because we're talking about data that's going to the escrow provider, which nobody can get to anyways. Just because if we come to the conclusion that the EPDP did it right and that maybe there needs to be a tweak to the contract to sort of, I guess, make the contract align with what the EPDP did, that's one thing that makes sense to me. But just because something is no longer required to go to the escrow agent doesn't mean that registrars aren't collecting billing information. Of course they are, or else their businesses would fail.

So, the data is there. And if law enforcement or anybody going through the courts with subpoenas and the like, it's not like you can't get to it, right? And so, I'm hesitant to say that if absolutely every little minute detail isn't captured in a report that somehow maintains a status quo when there were recommendations pointing to a different status quo.

So anyways, I don't know if my opinion matters at all, but I think we should focus on how we let the group proceed, right? And maybe dip in, look into the issue of referring this to the contracted parties house and ICANN staff and asking them to do that contractual amendment maybe to wrap this up, because I don't think it's going to be controversial. Anyways, thanks.

GREG DIBIASE:

Thanks, Paul. So, I have Anne in the queue. We have to draw the line on this because we're over time, even though this is a good discussion. So, we're going to have Anne, and then my proposal would be for leadership and staff to take back the learnings from this conversation and think about basically possible options before us, because it seems at least designated in the billing contract isn't satisfactory to all councilors. So, Anne, go ahead.

ANNE AIKMAN SCALESE:

Great. Thanks, Greg. It's Anne. I just have a question about this. I'm not very familiar with this topic, but I noticed that you said, well if everyone on Council can agree on an approach, can we do something more informal, whatever. My question is, based on

what Paul said, is it true that no one, including law enforcement, can ever get in escrow information, that it can never be disclosed under any circumstances to anyone? Is that true?

GREG DIBIASE: I can't. I don't know what Paul-- I don't know. I don't know the answer to that.

ANNE AIKMAN SCALESE: Okay, thanks.

GREG DIBIASE: Maybe Paul can defend as a search and offline, maybe.

PAUL MCGRADY: I'm happy to jump in. Yeah, yeah. Well, the bottom line is it's not open to the public, so there must be some process to do it, and usually when you want non-public information, you issue subpoenas, Anne.

ANNE AIKMAN SCALESE: Okay, now I'm understanding a lot better. Subpoena, yeah. Okay, thank you.

GREG DIBIASE: Got it. All right, Thomas, I'll give you the last word on this, and then we'll regroup maybe with Thomas and leadership and try to come up with potential options for Council to consider.

THOMAS RICKERT: Yeah, I'd just like to ask councilors that are unclear about the billing contact versus billing information that the registrar stores for the account holder. Because if that is still an area of uncertainty, then I think we should maybe write something up to inform everyone.

So just to recap, in the registration data, we have a set of data elements that are required to be collected, and that included certain data elements for the adamancy, that included certain data elements for the tech C, and included certain data elements for the billing contact, and the practice of the registrars is that these data elements have never been populated, so whether you escrow it or not, there will likely be no information in it anyway, because it's not used.

It's something that's been used in the 90s maybe when registrars relied more on registration data for the business relationship with the registrant. But these days, you set up an account with the registrar, and then the registrar would reach out to the account holder and send an invoice to the account holder. So, that data would not be escrowed anyway, and law enforcement can reach out to a registrar and ask for that data. So, it's two distinct sets of data with distinct processes. So, if there is the hope with some that by requiring the data to be escrowed that we would add any value to investigations, I think that hope is just not justified.

GREG DIBIASE: Thanks, Thomas. Yeah, and that's why I want to bifurcate the substantive issue from the procedural one that Susan raised. So maybe there's a way to address that, but okay. Thanks for the conversation. Doesn't seem like we solved it, but that's okay. We won't solve every item, every topic. We're over time, so I'm going to go straight to Roger to present the final report, or information on the final report regarding the transfer policy PDP.

ROGER CARNEY: Thanks, Greg. Yeah, we can celebrate. Transfer PDP is done. Final report's out. You councilors get to mull it over now. The good high-level news is all 47 recommendations had full consensus from the working group, so maybe that helps to make it easier for everyone, but there are 47 recommendations. We have slides for every one of them. They're grouped together, so we will speed through this because I know we're behind time.

And just on the opening remarks, I'd say this working group did a great job. It did take three and a half years. When the working group was together, a lot of work got done. In between when they were together, not so much got done. So, I would say from a GNSO's perspective, if we met every week, and again, we got work done every week, if it was possible and we met twice a week, I don't think we would have cut it in half, but I think we would have saved time just because the group being together got a lot of work done, and there was a lull in between meetings. So just thoughts on that.

Quickly on just the format of the presentation here, we'll go through the background and some updates on the report format,

and then we'll get into each of the recommendations. Broken out into three different groups, we worked them in three groups, Group 1A, 1B, and 2. 1A was focused on the true registrar-to-registrar transfer issues. The 1B focused on the change of registrant, so not leaving a registrar, but just the registrant changing.

And Group 2 focused on the dispute mechanisms available and tangentially the ICANN transfers, bulk transfers issues. So, those are the three main groups. I'll probably run through each of them pretty quickly and then pause for any questions on each one of them. Again, there are 47 recommendations, but a lot of them are fairly easy, so we should be able to get through them pretty quick.

Let's jump into the background on the next slide. Thank you. Yeah, so the transfer policy, and you'll see it in the next slide as well, has been around for a long time. Obviously, the purpose is to allow for competition and choice so that a registrar can change, or a registrant can change registrars if they choose to. And along with that, obviously, you have to have security as a mechanism so that that's done correctly. And I think one of the big things is the policy should be, I don't know if simple is right, but simple enough that the registrants can understand who has obligations and when, including themselves. So let's jump to the next slide here.

All right, so the current policy has been dated back to 20 some years ago now when the first transfer policy went into effect. In 2008, the big update of the transfer policy came along, obviously taking a considerable amount of time, and that led to IRTP A through, I think it was E, and then a couple of them merged, so it was A through D. And then that went into effect finally in 2016.

And then just four, three and a half years ago, this group started to review that and see if anything needed to be updated.

And as I mentioned, there were 47 recommendations that they came up with. And I would say for the majority, the high-level principles obviously were, again, keeping with the choice options so that registrants have choices, but we were looking at making sure that it was secure, making sure that it was consistent, standard across today's transfer policy. There's a lot of variables that can happen, so it's not the same at every registrar. And finally, the other principle that guided everybody was making it simple for the registrant.

I think we can jump into recommendations. And again, Group 1A is focused on transfer of a name from one registrar to another. Okay, thank you. So, this one's pretty easy, just a couple of terminology changes. References to WHOIS changed to RDDS, and references to admin or transfer contact were updated to registered name holder just for ease of use and again, making it easier for people to understand and work through it.

Again, one of the things I forgot to do real quick was the new report is 160 some pages. Sorry for that. But the good news is, is the report was modified so that the first 64 pages are the details of the recommendations. And the remainder is the supporting of that. And every recommendation has a hyperlink that you can just jump on if you want to see the discussions or the deliberations on it. So hopefully the 64 or 65 pages of recommendations is an easier, quicker read for everyone.

And one big thing that got added was this impact this green line in here you see, this impact assessment was added. So every recommendation went through an impact assessment. Currently, a lot of times this is done in the IRT but as we know, a little bit gets lost between the PDP and the IRT so it seemed fitting to do it here. And again, here we're just updating some terminology. So, it was a low impact.

Okay, let's go to the next one. Now we get into the first standardization one. In today's transfer Initial registrations sometimes had a lock on them, depending on what registry it was. Sometimes they didn't. Sometimes they were 60 days. Sometimes they were 30 days. So, depending on the registry and the registrar. This was a big variable and that Registrants had a lot of confusion on this as to why can't I transfer my name when it's here, but I can over there. And again, it's just depending on these.

So, we made a blanket recommendation that it's a final 30 days after initial registration. And for everyone, we tried to be as specific as possible. So, you'll see hours almost everywhere in here. We got away from days because people argue about days. Is that a calendar day? Is that a business day? Is that Saturn's days or whatever. It's 720 hours after initial registration and you'll see hours throughout this whole thing. Again, low impact. It's basically for standardizing the experience.

Okay, I think we can jump to the next one. Thank you. So now we get into some more meaty stuff. And today people call the code that you get for transferring probably at least half a dozen different names. AuthInfo, AuthCode, password, secret, all those

things come up. And we wanted to standardize again on something that made sense. So, we changed that to transfer authorization code or a TAC. We created the definition and quite a few of the recommendations detail out what a TAC actually is. And again, the TAC is a code that facilitates the ability to transfer. And it has to be sent at the registry and issued to the RNH within 120 hours.

And this is still similar to what today is. Registrars have five days after a registrant request up to five days, I should say. Sometimes this is minutes or seconds and the registered name holder has the code. Other ones, it may take longer if it's one- or two-character domain name and someone's asking to transfer. There's probably going to be a phone call to make sure that that's right and everything like that. So, it may take a little longer. Again, this mimics what's today is the 120 hours. And again, low impact because it's really just a definition terminology change and again status quo on the 120 hours. All right, let's try to jump to the next one.

And here's a little detail on what that TAC is. Today, the AuthInfo, AuthCode, secret, whatever it is, have no requirements on what it can be. There are many AuthCode that are password one today. I encourage no one to try that on transfer, but we know that that's true. And it can stay forever. So as soon as you create a domain or initiated a new domain, the TAC or the AuthCode is created and it lives forever. So, four years from now, it's the same one. Four years sitting in someone's email box, it's the same one. So, TAC, we changed that so that it was a little more difficult and a

little more standard for everyone to use. And it can't be password one, by the way.

The TAC is stored at the registry and the registry verifies that it meets the syntax requirements of RFC 9154. The registrar will store the TAC in transit, but is not going to store it for a long period of time. Once they get it from the registry, they provide it to the registrar. So, that's the time period of how long the registrar will hold it. So, it's one of those where we're trying to make sure that it's only available in certain places and not being out there in the wild.

The TAC is valid for only 336 hours. It can be reset. Obviously, it can be removed. If someone decides they don't want to transfer it, then they can remove it. If they decide that they need more time, they just get another one and it'll extend it for 336 hours. That's 14 days, so everybody knows.

So this is a medium impact because there are quite a few changes that are going to be required at registries and registrars. Today, there are many registrars that actually do this anyway, the 14 days or a period of time. And I think that there's another reason for the Recommendation 9 is to standardize on 14 days so that every registrar is using the same one. Again, a registrant and a registrar may agree to a shorter period. So again, if it's a one letter or two letter and they don't want to expose for long, it could be a day if they want 24 hours. So, again, a high level of security was added to this. So, I think we can jump on to the next one.

Again, more on the TAC. The registry must store it securely. It cannot store it in plain text. It actually has to hash it and it's

defined on how to do that. And the registry doesn't know what it is, but they have the hash so that when it gets passed in, they can match them up. So, again, no one knows what it is except for the registrar at the time. And registrar has to send the TAC issuance within 10 minutes of the creation. So, they had the five-day window to mull it over and get it to them. And then they have 10 minutes to notify the registrar as soon as they do the create.

And again, on a lot of transfers, this whole process may be a minute or two and the registrant has it. But there is flexibility built in for different scenarios. Again, impact medium. There's some changes here. The registry was not storing it necessarily securely. They may have been on their side, but they weren't required to. And there will be some experience changes from the registrant's perspective.

Okay, I think we can jump ahead. As it's been for almost seven years now, the gaining FOA requirement is being officially eliminated by Recommendation 15. As many of you know, this was removed in the temp spec due to GDPR and that the sharing of the information on information of contact information between losing and gaining was not necessary to do a transfer. So, that's the reasons why it fell out. One new thing is the registries must provide the gaining registrar's IANA ID to losing registrar.

So, this is a unique one because this sometimes occurs. Some registries are already doing this, but some other registries are providing just random numbers back. So, the losing registrar does not know exactly where it's going or can't tell their registrant where it's going because they didn't have that information. And this will

make it so that the losing registrar can tell the registrant where it's going. So, then there's a confirmation for the registrant.

The losing FOA, which was kind of a misnomer because form of authorization on a losing it's already gone, but is now being called Transfer Confirmation Notice. And it's the same effect as the losing FOA, just being correctly named. So, the impact here, obviously a low and medium. Low because it's just following, two of them are following what's happened today. And the IANA ID is something new for some people. So, it's a medium impact. I think we can jump on to the next one. Did we skip one? Thank you.

Registry must verify the TAC when they get a request for a transfer and they'll do that because they are able to compare the hashes for that securely. And the TAC can only be used once. So, once it's provided, the TAC is no longer valid. So, if someone tries to use it again, it's not going to do anything. A new TAC would have to be sent. And registrars must retain all records pertaining to the TAC management and processing. Again, we wanted to make sure that there was an auditable way of tracking any transfer.

Impact assessment, again, low and medium here. Verification of the code already exists. Now it's a little different. It's a higher security level. So, it's a little higher. And TACs did not necessarily expire. You could get today, you can get an AuthCode on one and transfer it and use the AuthCode again to transfer it somewhere else and use the AuthCode to transfer it somewhere else. But as soon as you do one transfer with our proposal here, our recommendations, the AuthCode is no longer valid. So, there is going to be some system changes that are

required. And registrars today do maintain records. Now we're changing a few things. So, they're going to have to maintain a slightly different set of records. So again, it's still a low impact on that.

Okay, I think we can go on. Okay, so like an earlier recommendation on initial creates. So, when you create a domain, there's a lock for 30 days or 720 hours. And now there's upon an inter-registrar transfer, there will be a lock as well of equal distance. So again, standardizing to make it more-- I guess the feel across registrars will be the same.

Now this lock here could be removed earlier if certain conditions are met and those are detailed out. Obviously, sometimes this is going to occur that has to be overwritten, but it has to be obviously documented and agreed upon by the registrar and the registrant that this is changing. And again, the procedures are in there and the details are in there.

Again, this is consistency today in the transfer policy. There's a 60-day lock that can be opt outed. So you don't have to have a lock, even at the time of transfer. So, if your domain account was hacked, someone could just opt out of a lock and then transfer it and then transfer it again and opt out of that lock and then transfer it again, which we see every once in a while. So, we wanted to make it more consistent and remove that complication of the ability to opt out and the complexity of that choice.

So, okay, I think we can continue. All right, so notification of transfer completion. Registrar has to send this after the transfer is complete, after they get notice from the registry. The losing

registrar will send a notification to transfer completion and it requires specific details to be in there. And one of those details is that gaining IANA ID, which identifies the gaining registrar, so that when a registrar gets this, they can say, yes, okay, it got transferred to Tucows and that's what I wanted. And if it says, yes, it got transferred to GoDaddy, but that's not what I asked for, they can jump in and stop that process. This is a new notification. So, there is a medium impact. Again, not huge, but it's still something that's new. So, that's why we marked it medium.

Okay, I think we can continue. Yep, thank you. There are reasons why registrars can deny transfer requests. Most of those deal with UDRP, URS, fraud, if it's detected that there's fraud on it. So, there are a set number of, and it's listed in the transfer, what they can deny the transfer for. But if they do deny it, then they have to provide reasoning or the reason why they deny it to the registrar and to the gaining registrar, so that they both can understand, hey, there's a UDRP on this, it can't move until it's done. And again, low impact because this happens today, it's required and it's just confirming the status quo.

All right, let's go on to the next one. Next four, 21 through 24, deal with those reasons why a registrar may deny it, why they must deny it, and why they must not deny it. And these are all enumerated reasons why. And again, in today's policy, they exist. These recommendations, they've been cleaned up language, so that makes more sense, and put into the right buckets of where they belong. Again, low impact because we didn't add any, we didn't change any, we just updated them so that they're clear in this part.

And this ends the 24 recommendations, I believe, right? Is this the last one for Phase 1A, Group 1A? Yes, so 24 in Group 1A, which again, Group 1A is inter-registrar transfer. So, when a registrant wants to move from one registrar to another, these 24 recommendations are laying that out. So, I'll take a pause here. I know I went through them quick, and we still have 23 more to go, which will probably go a little quicker even. But I'll pause here to see if anybody has questions. And to take a drink of water.

GREG DIBIASE: I think you're good to keep going, Roger.

ROGER CARNEY: Okay, great, thanks. All right. Let's jump into Group 1B, change of registrant. So, there are some complexities in the current policy that talk about change of registrant. And the working group decided we're going to change this to be change of registrant data. There's this distinction of ownership versus data changes. And ownership change may not be a big deal or maybe something that no one knows, but we know when change of registrant data occurs. Today's policy, we're keeping the same. Material change is still fit for purpose. And it's anytime there's a change to the name or organization or to the email address. So, that's a material change, which will flag a notice out of this.

Again, low and medium impact. Terminology updates. And again, we're staying quite a bit of status quo here. The only difference is that we've changed it from change of registrant to change of registrant data to be more specific about what's occurring. And

again, low to medium here on impact. So, I think we can jump to the next one.

Yes. So, the recommendation for creating a standalone change of registrant data policy. Not sure why this was in a transfer policy and the working group came to the conclusion, it probably doesn't need to be in transfer policy. Change of registrant data is something that the registrant expects and should expect to be able to change their data. And that has nothing to do with a transfer.

So, I think that the working group came to let's look at creating a standalone change of registrant policy. And again, in those recommendations, it was recommended to remove the designated agent. It muddled up what was in there. And I think that excuse me, I think that, again, it'll make it simpler to read. And if there is a designated agent, specifying in there or using it outside of it doesn't change that fact.

We removed the whole section 2B from the policy. And we removed the requirement of both the prior registrant and new registrant has to confirm it. Again, it's probably the same registrant changing what they should be allowed to change and there shouldn't be restrictions on that. And that leads to the last one where the restriction is removed. If you go in and update your address or change Bob to Robert or something, there's no reason to lock it so that you can't transfer it.

So here in the impact, we hit all of them. And maybe I'll highlight the high parts of this. The confirmation from the prior and new is a big step. And it's going to take a lot of work to pull that out as well.

And I think that it's going to take not just system work, but a little bit of education as well. So, I think that's why we went to the high. And again, a new policy, I think, makes sense. We'll cover a little bit of change of registrant data here, but a new policy around change of registrant data makes sense, especially in light of GDPR and everything else that registrants have the right to be able to manage their data.

Okay, I think we're good here. All right. And this ties back to the whole point of if there's a change, then a notification has to be sent to the RNH. And there's requirements in that notification. The details on what elements have to be there, how they can respond to this, what can they do if it wasn't them, and things like that. All that's laid out to make sure that it's done. And we mark the impact here as high because there will be some changes going out.

Again, this will be a new notification on it, and registrants have a chance, if the next one we'll get into, have a chance to opt out of the notification. And this was mostly put in for niche areas. So, some certain boutique registrars don't, they handle the communications through the systems for their customers. So, this was put in here. Now there's rules around it that had to be followed to be done. So, and again, we detailed those out.

And I think that is it. I think we can move to the next one. And this is the final one here on being able to opt out of that, receiving the notification. Again, this ability is going to be used very infrequently. I don't know, but one or two registrars that even mentioned using it. But their clients definitely don't want or need this information when they're working with their, tightly as they do.

So again, I don't think most registrars are going to use this recommendation, but it's available to those few that have those requirements that do need to opt out. And I think that's about it on change of registrant.

GREG DEBIASE: Thanks, Roger. So, I think the plan, I believe is you'll finish the next section on bulk transfers at our Council webinar prep on February 20th. And people will have an opportunity to ask questions then.

ROGER CARNEY: And there's only 19 more. And those are, will go fast. So, when we do the prep, we'll be able to go through that fairly quickly.

GREG DEBIASE: Awesome. Well, I'm seeing great feedback in the chat on this reporting style, super detailed and straightforward. So, thank you, Roger. If you have additional questions, let's save them for the Council webinar. So, we have one last item to go through in our last five minutes. But thank you, Roger. Really appreciate it.

And we'll go back. The outcomes for strategic planning session. I think we'll send an email on that. So, it's more of a list. I am noting the reminder for the GNSO Council webinar mandatory on January 20th. Sorry, why do I keep saying January, February 20th at 2100 UTC for 60 minutes.

The next order of business is on our LinkedIn and communications. We had some back and forth on the list and it was getting a little unwieldy. So, we have a new proposal. Lawrence met with leadership and staff last week, and I think we're going to simplify things by having one update, at least initially, one update per month after the Council meeting. So, there will be a February update.

And then we're going to establish a separate email alias that anyone can join for suggestions to that update. So, we'll propose Google Doc on that email alias. People will have the ability to contribute. And as a reminder, coming from our final report on this PR officer role, the idea is to produce timely updates on successes and progresses made through GNSO policy efforts and make information more accessible.

So, the core of these messages will be an update on what we've accomplished. And we will get suggestions through this alternative email address and then have leadership and staff go take a final pass of what Council develops before Lawrence posts it on LinkedIn. And so, we can add suggestions. Farzi, I know you had a comment on how to incorporate our progress on human rights.

As an example, one thing we were thinking about was highlighting how the charter for the Latin script diacritics uses the GPI framework. That does a human rights assessment, but that's just one idea that we can discuss further on list. So, that's the proposal. And we'll follow up with an email outlining all this because I'm talking a little fast right now. But I'll stop there and

see if people have concerns with that before sending out more detailed instructions on list. Farzi?

FARZANEH BADI: So, you mean that we are not going to post my suggested text? I'm very good with rejection, Greg. Just say yes or no.

GREG DEBIASE: So, I think we need to think about your suggested text in the context of a more recent thing that council has done. I'm open. I'm not the authority here. I think we're establishing a list to have these conversations.

FARZANEH BADI: Oh, another list. Okay. Bruna's hand is up.

GREG DEBIASE: Okay. Bruna?

BRUNA MARTINS DOS SANTOS: Hi Greg. Hi everyone. No, just to make the same request that I made on the list that we post updated pictures and names of councilors. It doesn't really make sense to me that we're posting pictures from one year ago, two years ago. And it's not a problem on the post per se, but mostly in terms of accountability and the community knowing who we are and so on. So, that's why I raised that point in the list.

GREG DEBIASE: So, I think that was updated. But we'll double check and we'll add another mechanism check to make sure things are updated and to give a second set of eyes for concerns like that. Make sense?

BRUNA MARTINS DOS SANTOS: Yes, thanks.

GREG DEBIASE: Great. Okay. Thanks. A lot of discussion on this call. I feel like there's a lot of progress will follow up with updates on the strategic planning session item that we missed and more information on the process for posting on LinkedIn and hopefully some magical solution for this billing contact issue. So, thank you all and we'll be in touch online. And if not, we'll see you our next meeting is in Seattle. So, see you then. Thanks all.

TERRI AGNEW: Thanks all. As you heard, the meeting has been adjourned. I will stop the recordings and disconnect all remaining lines. Take care.

[END OF TRANSCRIPTION]