
ICANN71 | Virtual Policy Forum – GNSO - ISPCP Membership Session
Tuesday, June 15, 2021 – 16:30 to 17:30 CEST

BRENDA BREWER: Hello and welcome to the Internet Service Providers and Connectivity Providers open meeting at ICANN71. My name is Brenda Brewer and I am the remote participation manager for this session. Personal note that this session is being recorded and follows the ICANN Expected Standards of Behavior. If you would like to ask a question or make a comment verbally, please raise your hand from the “Reactions” icon on the menu bar. When called upon, kindly unmute your microphone and take the floor. Please state your first and last name clearly and at a reasonable pace and mute your microphone when you are done speaking. And with that, I will hand the floor over to Wolf-Ulrich Knoben. Thank you.

WOLF-ULRICH KNOBEN Thank you very much, Brenda, and thank you all for participating. Hello, everybody. I expect some of our members are coming soon in. So, as Brenda said, that is our usual ISPCP membership meeting here in ICANN meetings. Unfortunately, we just have one hour, so I tried to make an agenda which you could follow. It seems to be a lot of items and I allocated also times to these different items. Let me just briefly go through those items.

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So, we have at first to talk about the [inaudible] priorities. We several times have now discussed on CSG level and we have also had a chance to present to the board members, with GNSO-appointed board members, and we would like to present those priorities to the board meeting next—meeting with CSG with the board next week.

So, it's only ten minutes we should take for that, but just to get a few on these items and maybe to think about which of these parties should dive in more deeply and also see whether we can find a kind of position.

Then I'm happy that Jeff Bedser was following my invitation to give us a brief update on the DNS abuse SAC 115 which was already also a basis for the discussion we had last week with the PSWG working group of the GAC to discuss. So, I do hope also that we have a lively discussion on that 15-20 minutes in total and think about our positions.

Then, what is on the agenda—the overall agenda—is the public comment period of the initial report and expect Thomas or Christian can provide us some insight here when we discuss that.

Then, as usual, there will be the GNSO Council meeting. We will have a look to what's going on there and if you have to prepare for [inaudible] regards to the motion or motions which are on the table.

That's it, more or less. At the end, brief update on what's going on with the ISPCP charter. A meeting is coming up with regards to that.

So, that's our agenda for today. With that, Brenda, I would like to ask to come up with the next slide, but not to forget before we really dive into discussions and presentations, not to forget asking formally for any

statements of interest from the participants. I don't see any hands here.
Thank you.

So, that is, on the one hand, for preparation of the CSG meeting with the board next week and we could directly show the slide, which is the next one, please, Brenda.

These are CSG near-term priorities and our goal, I would recommend today, is to think about whether we have specific points to make at the time being or we should take these items and to discuss one or the other in more detail later on in other meetings and we can think about what is going to be done.

It is a kind of goal which is laid down with regards to the DNS abuse and it's good that we have Jeff here to give an overview of that later on. That is, to decrease the incidences of DNS abuse. So that means, at first, we are to find a way that the discussion around DNS abuse could be driven by not just kind of Well, how to say that? Sometimes, a little bit hostile form of discussion which is done between the different parties here, especially between ICANN and the community. So, the question here is how to find that way and what could be done here. But I think that helps also what Jeff is going to provide us here.

I have to say that [CSG ExCom] which developed those priorities is not, in all detail, of the same opinion here. For example, I'll give you an example of the BC. The BC would like to combine or to condition, let me say, the introduction of new gTLDs with the acceptance of recommendations regarding DNS abuse. So that's the way which is not

supported, not by us I would say. It's definitely not supported by the IPC and we could make that point as well.

Then the next one is also of great interest to us. That is the question of domain name registration data and all the questions around that which are also a little bit connected to the DNS abuse question. What it means, for example, is the accuracy question of domain registration data and then the question who gets the access and through which means is access could be given as legitimate access?

The third one, our constituency in the past was not that close to that item regarding ICANN compliance function. You'll remember that was said several times, brought up by the BC and IPC and I think they will mainly focus on this item.

Then the next one is something which is also in context with the continuous improvement which is on the table of the Council at the time being. That means to improve the methods and the policy work in that way, but the recommendations which have been worked out for a long period of time but they will be implemented in a reasonable timeframe and that's up to the Council mostly, but it's also up to the community and together with ICANN Org.

Last but not least, as we several times have discussed here, is the question around ATRT-3 recommendations, and in this context, the specific recommendation for holistic review that we several times have discussed with the Board, the question is how we move that forward and how we can contribute to that in terms of scoping, timing, and also with regards to other organizational reviews.

We have already exchanged with ALAC. We may have exchanged with other groups as well, so that is of further interest to us as well to move that forward. Maybe also Tony could chime into that part if that is necessary in the discussion here.

So, what I wanted to do here is to see at first whether there are comments from our community members to those items [inaudible] okay, these items we can go along with. It doesn't mean that we have to follow, to find a consensus on CSG level to all of these items but it is an agenda for the next time. That's the first thing.

And then is the other thing is which of these items would be of priorities to us that we could make points in further discussions with the Board on CSG level with other communities.

So, that's an introduction. Just looking where there are hands up. I can see Tony first. Tony, please.

TONY HOLMES: Thank you very much, Wolf-Ulrich. Just briefly, [inaudible].

WOLF-ULRICH KNOBEN: Tony, your sound is questionable.

TONY HOLMES: I thought I had fixed that. Is that a little better?

WOLF-ULRICH KNOBEN: Yeah.

TONY HOLMES: Okay. So, with regards to the holistic review, I just wanted to be brief. And this is one issue where the CSG is united. I think we all want to see this happen. It's in all of our interests to actually get this underway.

It almost links back to the bullet above which is talking about overdue obligations because the last discussion we had with the Board, they announced there would be a delay on this. Now, the timetable was such that under the ATRT-3 recommendations, it was stated that this holistic review should commence within one year or not later than one year after the Board had agreed the recommendations from the review.

We were told at the last meeting with the Board that that clearly wasn't going to happen. They weren't going to make that date. And this affects other reviews as well because it's long been our view that the holistic review has to happen before any of the other sequential reviews that follow.

So, the reason this has to stay on the agenda I think is to keep the pressure up. As we've said many times before, we're looking to engage. We are ready to engage in this, but the timetable just permanently slips and there is no indication of when this will start. So, just to underline that that's the reason this is on the agenda and certainly I think that this ICANN meeting, it's beholden on us to ask questions of the Board so that we can seek some more clarity on the timetable and this will actually happen. Thank you, Wolf-Ulrich.

WOLF-ULRICH KNOBEN: Thank you, Tony. Well, that's good to see. And I think also it links to what we are talking about with regards to the continuous improvements, if I'm right. So we'll see that later on, because I saw in the motion that the ATRT-3 and the new question on the table is in the prioritization list of that motion. Maybe Philippe could also help us later on to say something about that. But already his hand is up. Philippe, go ahead.

PHILIPPE FOUQUART: Thank you, Wolf-Ulrich. This is Philippe Fouquart here. Can you hear me?

WOLF-ULRICH KNOBEN: Yes.

PHILIPPE FOUQUART: Thanks, Wolf-Ulrich. Hi. Hope you are well. I raised my hand for a different reason. Happy to elaborate on the framework later on. The reason why I raised it is first to say that this exercise that the CSG went through is extremely useful for Council. As we all know, we're struggling with resources. We need to sort out the priorities and this is essential for us to do that.

Just as a general comment, on the first item, I would just point out that, although our progress is allegedly slow, I think we're moving ahead with DNS abuse. I think we've had discussions with the CPH over their

own internal group, obviously, but also more recently on SSAC report. We'll comment on that I think as well.

But more broadly, on how ICANN in general and the GNSO in particular may cooperate with what's called the DNS Abuse Institute, for example. That's a question which was raised—I think there's no secret there—as a potential AOB for our interactive session, but we'll take that as a full item for discussion at the Council and I think at some point. Our process, albeit slow, is continuous and I think we're all aware that there has to be concrete action on this and I think we are gradually getting towards a common understanding on the need for this.

But again, it's good that the CSG has that as a top priority for Council to work on that basis. I wish all SGs and Cs would do the same. Thank you, Wolf-Ulrich.

WOLF-ULRICH KNOBEN:

Thanks for this comment. Thank you, Philippe. I was aware that DNS abuse is on the table and moves ahead, but I was thinking it would be good for us—for our constituency specifically—to focus on some of these points which we did not before as a constituency and think about what could be the impact, especially of the SSAC document on us and how we could chime in more formally in the future.

That's why we are dealing with that here and all the other things also. I think now as we have that on the table here for the CSG, it doesn't mean ... Just to be clear, CSG is diverse so we have different interests in our SG that we are not keen to find a consensus for every of these

points but we try to debate that and find the common ground and that's what we are going to do with all these points.

So, thank you, Philippe. That's an old hand, I guess.

PHILIPPE FOUQUART:

That's a new hand, if I may. Just a very quick comment on this. And I agree there's a diversity of views within the community and within the CSG. If anything, and even [based] on SSAC report, if anything I think it would be good for the group to come up with a common understanding of what is abuse as far as DNS is concerned. I think that it's always the same thing. We struggle with the definition, with the remit of ... Even let alone what ICANN can do, at least to come up with a common understanding of what that is. The CPH came up with and I think if ... And maybe it's the same one, it's broader, I don't know. But I know that it's going to be a starting point. It's always been the starting point of Council. Whatever we work on, it seems like an academic comment but it's not. It's really something that we need to have up front. Thank you. And I'll shut up over that. Thank you.

WOLF-ULRICH KNOBEN:

Thanks, Philippe, for that. And I see Thomas commenting. Thomas, I'm just asking you if that is a new point, then it's good. If that is about abuse, please keep it here because we just moved over to the main topic of DNS abuse and we'll discuss abuse questions in this context. I would like to bring that item, CSG priorities, here to an end and asking

you whether there is a point you would like to make in general for the priorities.

THOMAS RICKERT: I'll keep that for later.

WOLF-ULRICH KNOBEN: Okay. Thank you very much. Is there any other point from participants here to make regarding the list of CSG priorities before I close this point? And keep that list also as supported by our community. It's not the case. So thanks very much for that.

So then, moving directly over to the next point—and welcome to Jeff Bedser. Jeff, if you will introduce yourself, and I'm happy to have you here. But you'll give us an intro and what else? You are the expert I was told on DNS abuse and this SSAC document. So I'll hand it over to you.

JEFF BEDSER: Thank you, Wolf-Ulrich, and thank you everyone for inviting me here today to talk about the DNS abuse report from SAC 115. It's a report on interoperable approaches to addressing abuse handling.

Just a couple of disclosures. I was a work party chair for SSAC for this document. We did have an unusual mix where we had some invited guests from outside of SSAC to join us on this process. We had somebody from a registry, someone from law enforcement, and someone from a cloud services provider invited as invited guests to support the document to get a broad range of opinions, not just based

on abuse but based on terms of service for handling abuse because that was a very important factor in this paper.

A couple of disclosures. Number one, my company, iThreat, does provide the data handling for the Domain Abuse Activity Report for ICANN. I'm also the vice chair of the Public Interest Registry Board of Directors and had a small hand in the creation of the DNS Abuse Institute that was mentioned earlier.

So, with those disclosures out of the way and the greetings out of the way, I can quickly get to the deck and explain the work to you. So, next slide, please.

So, the report had a primary purpose and I think we can all agree that the reduction of victimization of Internet users is a goal we all can get behind and it's something that, no matter where you are in the community, it certainly makes sense to do so.

We came up with a strategy about interoperable approaches. And this really came down to the core. This came from Suzanne Woolf, who is a very long-standing member of RSSAC, that the Internet works for all of us because it's now an interoperable system. Everything talks to each other in common languages and thus it works.

Abuse handling, since its inception, has not been handled in an interoperable approach, wherein all the different levels of the stack or ecosystem have different terms, different processes and such, though a single domain can touch six or seven different players in the ecosystem.

So, interoperability would certainly be a function that would be welcome to deal with abuse.

So, our desired outcome is that SAC 115 would act as a catalyst to channel ongoing efforts in order to begin establishing some universal standards to address this. Next slide, please.

So, we came up with a framework for interoperable approach. Next slide.

and the proposed framework is really distilled to these points. There needs to be a primary point of responsibility for abuse resolution. What we mean by this is that certain types of abuse have a home with a certain part of the ecosystem that should be the one to be contacted about that particular type of abuse.

There should be escalation paths. So, in a situation where you have an unresponsive party who is the primary point or a party that refuses to respond, there must be an escalation path to the next party in that chain of responsibility who can take action on that abusive domain.

There needs to be evidentiary terminology and standards. And what we really mean by that is that if it's a phishing domain, what is the evidence that makes it a phishing domain that could be universally accepted whether you're an ISP, a registry, a registrar, a cloud service provider, a hosting provider, etc.? There should be a universal standard on that.

Then, reasonable timeframes or action, so that again, going to the original point of reducing victimization, the more quickly an abusive domain can be reacted upon reduces the amount of time of potential

victims being gathered up and defrauded or having their identity stolen or what have you.

Then, finally, in this whole ecosystem, there has to be an availability of quality contact information and we're not necessarily talking about personally identifiable information here. What we're really talking about is if there's an abuse function at any level within these organizations that are in the stack, there should be a clear path to get that abuse contact information so that escalation paths can happen, primary points can happen, etc. Next slide, please.

So, in the primary point of responsibility for abuse resolution, there's a manifestation of abuse and then there's a primary party who can take action upon it, and of course then there's a secondary and escalation parties where the abuse can be reported onto if there's a failure to respond or a failure to react. And these give some examples and I'm happy to make these slides available. I think this detail is also available in SAC 115 in written form. Next slide, please.

So, on the escalation path, when a reporter either reports to the wrong party or does not get a response, there should be a documented, actionable escalation path, wherein many reports do not understand the DNS well enough. They know the domain is abusive, but do not understand how the DNS works well enough to take it to the right party to get it resolved or which party is responsible for certain types of abuse on a domain.

So it disallows for evidence to be reported. It leaves for standardized paths. And of course, if you look to Appendix B in the report, we don't

include proposed escalation beyond Appendix B, but I think there's obviously more work that could be done there. And then basically the stakeholders should be the ones that are standardizing these documentation paths. Next slide, please.

So, evidentiary terminology and standards was one of our tricky parts of this paper. Basically, the reporters of abuse have responsibility to provide evidence. You can't just say to a registry, "This domain is being used to deliver malware," without some evidence to prove it, so under the terms of service the registry could take an action against that domain.

So there are certain points of evidentiary terminology standards we suggest here and I think there's a lot of opportunity for expansion upon this and refinement, but there's a temporal relevance. When did it happen? How long after the registration did the abuse occur? Obviously, a malicious registration versus a compromised domain can be determined, potentially, by the period of time between registration and the domain being detected as part of an abuse.

Visual. Are there a-records? Is there content that could be captured from a screenshot or some other type of capture that demonstrates the abuse? Are there behavioral markers, such as logs of activity about the domain? Are there changes in the DNS in the WHOIS records being passed in DNS that would indicate something was going on?

And of course there's demonstrative. What is the abuse for? How is the domain use? How did it violate the terms of service of the party it's being reported to and what is the impact of that abuse? And that may

be financial. It could be fraud. It could be all different types of impacts, but demonstrating the impact of the abuse.

And of course knowing what the anti-abuse policies are of the party being reported to is also very helpful. Next slide, please.

So, reasonable timeframe for action. We've had some criticism in our own alternate opinions/alternate view for the paper about this particular section. But this came about through talking to abuse responders within registries, registrars, CDNs, where they do give notice to the domain holder or the downstream provider of normally 24 hours to get a situation resolved. But in a situation where potentially the report came into the wrong part of the stacks—it came to the registry but the hosting provider should be the party reacting to it—there could potentially be 24 hours per relay to each one of those parties. That comes to 96 hours. I think we all agree that 96 hours is far too long for a domain that's being used for abuse to continue delivering that abuse. However, under the realities of a current situation where there are manual processes in interoperability, 96 hours does seem to be that maximum time allowable. But of course automations and partnerships and agreements about what we're talking about in this paper should be able to reduce that period and significantly reduce victimization. Next slide, please.

And again, I think I said this relatively clearly before, but to do any of this, one of the core components is having a regular availability of contact information to the right parties to get abuse resolved. Next slide, please.

So, our findings. Next slide. Pretty straightforward. A lack of coordination leads to inconsistent approaches to DNS abuse management. There's an opportunity to resolve this through a common abuse response facilitator. Next slide, please.

So, our recommendations. Next slide. Recommendation one, the SSAC recommends that the ICANN community continue to work together with the extended DNS infrastructure community in an effort to examine and refine the proposal for a common abuse response facilitator to be created into streamlined abuse reporting and minimized abuse victimization, and to number two, define the role and scope of work for a common abuse response facilitator using SAC 115 as an [input].

What we're acknowledging here is that while SSAC is on standard an advisory committee to the Board of Directors and we advise the community. Or we advise the ICANN community and we advise ICANN Org or Board.

But this situation, DNS abuse management and DNS abuse mitigation and reduction isn't an ICANN-only issue. The components of the DNS that facilitate abuse go well beyond the contracted parties. Of course, go into the ccTLDs, go into different entities. We stayed away from terms of criminality because you have jurisdictional issues there. But we came down to there's an opportunity to facilitate all of these items through a common facilitator that would facilitate escalation paths, could facilitate reporting, could facilitate common standards to be adopted by different parties and standard evidence models that

everyone can adopt and use, and then promote them, pass them along.
Next slide, please.

So, as I mentioned earlier on the call, there is the DNS Abuse Institute which has I think actually launched within a week or two of this paper being published that is a potential home for a lot of these activities. There's the Internet jurisdiction efforts that are going on. There are many parties that are dealing with the issues of DNS abuse, but a common facilitator that allows for coordinated efforts and also common standards to be deployed I think can have a very large impact in reducing victimization by shorting the lifecycle of a domain being used for abuse. But also, the more of that that happens amongst the parties that are willing to support this and follow the morals and ethics involved with being more aggressive on taking abuse down, will put pressure on parties that have business models that attract certain types of abuse and potentially allow for more pressures in that type of environment.

So, I'll end it there, and thank you again for inviting me here to speak. I'll take any questions as time allows. Thank you.

WOLF-ULRICH KNOBEN: Thanks very much. Can you hear me?

JEFF BEDSER: Yes.

WOLF-ULRICH KNOBEN: Good. I put the video on. Okay, no problem. So, thanks very much for that. I think we have several points which you should think about. So, what I noted is the question which Philippe raised about definitions and Thomas is going to chime in as well, and then [discuss] the common abuse response facilitator. Yeah, about that.

So, before I chime in myself, I think Thomas was first. Then we're going on. Thomas, please.

THOMAS RICKERT: Thanks very much, Wolf-Ulrich. And hi, Jeff. Thanks very much for the great presentation for all your work in this area. I think the ISPCP is best placed to chime in on this matter, because typically, the ISPs can bridge the gap between the DNS industry or the contracted parties and other types of intermediaries, all of which have their roles and responsibilities in the entire ecosystem.

I guess what I'm trying to convey is both a question as well as a comment, because I'd like to hear your view on how we can come up with a proper demarcation between what can be done within the ICANN world and what has to take place outside the ICANN world.

Maybe by way of background, as you may or may not know, last results on this call, Wolf-Ulrich and I are both working very actively with the ECO Association which has more than 1100 members from more than 60 countries and they represent all types of intermediaries. ECO has been running one of the INHOPE network hotlines to deal with CSM for more than 20 years, and so we've been quite active in finding the

[downside] issues on the Web and what we've learned is that it's maybe unpopular to say that you have to say no to some things, but that we have to also take into account the collateral damage that might occur. If you try to do the right things but do the wrong things with the best intentions.

And therefore I think we have to be very careful. There's a lot of debate around the topic of DNS abuse the last year at least where it became more and more visible, and there are a lot of demands to actually broaden the definition of what is DNS abuse and I think that might blur a clear view on the expectations. These are the ICANN [words]. Because it might be required or there might come a political pressure to do things that DNS industry could or should not take on.

And then we have the other issue which is sort of within ICANN and that's ICANN limited remit, according to the revised mission which we've come up with in the course of the IANA stewardship transition.

So, even if we wanted to, even if we tried to augment and broaden the definition, then it may well be that the powers of the empowered community are invoked and that the Board gets bashed for having acted outside ICANN's remit.

So, that's a very, I hope, not too wordy introduction to my question to you, and that is where do you see ICANN's roles in this versus what is out of scope for ICANN to deal with.

JEFF BEDSER:

That’s a great question, Thomas, and thank you for it. So, I do believe that much of what is being asked of in this facilitator role is not ... For example, I don’t believe ICANN should form this facilitator. I don’t think there should be a department. I don’t think it should be a function of ICANN.

However, I think ICANN has a mission as both an organization and a multistakeholder model of actually facilitating coordination.

So, for example, if an entity takes on this role, ICANN should support it. Maybe they should support it financially, but if not financially, they could facilitate through allowing for meeting space during the ICANN meetings, which of course when we return to travel, have an opportunity for going around the world and interacting with different parties to bring the word together.

I think it can be a place where discussions on frameworks of what is within the remit of different parties can take place, but I don’t see it as being directed by the Board or outcomes from the Board.

There is so much of the multi-stakeholder model that happens while we work together to solve problems. It doesn’t necessarily have to be solves the problem, ends up as a Board resolution. And I think that there’s a real opportunity for a facilitation role and a coordination role and a supporting role, because if ICANN says, “Well, we’re not going to be part of this,” the entity that takes on this role from the start is at a deficit to make it happen. There has to be support from ICANN.

Does that answer the question well, Thomas, or did I skirt it?

WOLF-ULRICH KNOBEN: Yeah, seems to be. Thank you, Jeff. Jeff, coming back to the question of definition, which was also a discussion around last week at the call with the PSWG. I don't know whether you attended that. I was surprised to hear from somebody saying, "Okay, that seems to be very narrow classification and in the definitions you put into the document." And somebody was saying it covers just from his or her perspective 2% of what's really DNS abuse—well, what they understand as DNS abuse—and the other 98% might not be covered. So there was a question about could these definitions be more flexible in this sense? Maybe it was a discussion around content, so I did not really follow that, but the number was given to that extent.

So, how can we ... So, what we could do, I would say, from the ISPCP perspective is, as Philippe said, let's sit together as ISPCP and look at what is [inaudible] in your favor and think about is there something missing from our point of view bringing that up? Also, put that in a document that [inaudible] a contribution to that.

What would you expect? I guess in your group, there were people coming from that sector as well and were participating in that discussion. Is there something missing from your point of view with regards to the definitions?

JEFF BEDSER: Thank you, Wolf-Ulrich. That's actually a very good question. I do believe there's a lot of room for modification and expansion and

improvement of the current definitions. We found that for the first two months of the work party working on this issue, we spent far too much time on definitions and realized that—I guess the term is it’s a quagmire that you can get stuck on of [what house to find]. And what we really came down to was the available evidence to demonstrate the domain’s activity for an abuse purpose really is a large component of the abuse.

For example, I know one of the large complaints about the block list providers right now is they’ll say, “This domain is this,” but they have no evidence as part of that, so that if you’re a registry or registrar, for example, and you get a feed that says, “This domain is bad and this is how we’re classifying it bad,” how can you act upon that with no evidence? Because the evidence helps define the abuse. It’s not just that someone says it’s abusive. It’s what is it doing that proves the abuse?

And I think that definitional evidence is going to be a key to making a granularity of ... Maybe taking phishing as an easy example, that you could start off with phishing as a malicious registration to phish credentials or it could be a compromised domain being used to phish credentials. But then you can get down to is it trying to deliver malware? Is it trying to deliver ransomware? Is it trying to steal credentials? Maybe there’s a lot of opportunity to be much more refined on definitions based on the evidence that would support the definitions.

But yes. The open-ended question answer is that, yes, there can be more alignment in definitions. There can be more granularity. And I

think there are other types of abuse that have an opportunity to be addressed in this particular model, because it's not just ICANN where we have a technical abuse standard in the contracted parties under Spec 11b that defines technical abuse. There are significantly more abuses that can be brought in, defined, and evidenced to be addressed.

WOLF-ULRICH KNOBEN:

Thanks very much, Jeff, for that. Well, that is my suggestion here for the group here. We have experts also in this group and that we find two or three to make a first draft or first look at the document itself, with regards to the definitions, and we can then start and make comments on that and think about, in that sense, as you mentioned, Jeff, especially with special look at the evidence of those abuse.

So, I would take that from myself to start on the list and hopefully it would be great if I find some volunteers—two or three—joining me discussing that and then we come back to the next ISPCP meeting with that paper and discuss it again, and that may be a basis for that. I think that's helpful.

I would like to finish here the discussion and say thank you very much, Jeff, for joining us. It was great to have you here. Maybe you come back again with that. Thank you for participation.

Now let's move to the next one. We have still only 10-15 minutes, so let's have a look to the initial report and public comment from the EPDP 2A. Not in detail, rather than just to say where we stay and what is expected from our group. Christian, I see you. Would you like to take this part?

CHRISTIAN DAWSON: Yes, that would be fine. I'd be happy to give us a brief overview of the work that has happened in EPDP Phase 2A.

So, Phase 2A was not part of the original design for EPDP process. We were supposed to have a Phase 1 and a Phase 2, and what we determined in Phase 2A is that there were questions that weren't resolved sufficiently to everybody's satisfaction and many of them surrounded areas in which we were identifying, areas where in order to get to agreement or at least rough agreement, there was a decision to move forward with optional guidance for registries and registrars on certain conditions.

So, the big issue was surrounding the idea of what's called legal versus natural persons. And the shorthand version of it is are you a company or are you a person buying this?

The big reason why that's important is that people have distinct rights to privacy based on international law, the prevailing law being GDPR, and companies have a different set of rights. So, the prevailing idea was what happens when a registry or a registrar decides that, as they go about selling a domain name, they decide to distinguish between collecting data for a person versus collecting data for a business and how can that be used differently?

So, fast forward to Phase 2A, which was to define how the guidelines would work around collecting that, should registries and registrars decide that they wish to follow this optional guideline.

And a lot of the time during this process was taken up by revisiting the idea of whether it should be optional or not, which was actually not supposed to be part of the scope of 2A.

So, now we are at a point where we have a public comment period where there is some consensus within many of the parties around the ways in which we should move forward with this optional guidance in accordance with what has happened in Phase 1 and Phase 2, basically answering the question that we were asked by the GNSO Council to answer. And there is a group saying, “Hey, that’s not good enough. We should still be going ahead and making this not optional,” which is something that really harkens back to decisions made in Phase 1 and Phase 2 and not here.

So, what we are faced with in trying to pull together a comment and what others are faced with as they’re trying to pull together a comment is an interesting situation because we are both facing trying to deal with issues surrounding the things that are on the paper and the fact that there is a significant portion of the groups—the SOs and ACs—that are dissatisfied with the scope and speaking to the scope and frustrated that the scope does not include changes to things that were decided already in Phase 1 and Phase 2.

Where this leaves us, I don’t know. I would recommend that as we look to our own comments, we try to stick to the material and not jump to the broader scope issues, but I turn it to Thomas for additional guidance as to what his recommendations are.

THOMAS RICKERT:

Thanks very much, Christian, and I'll keep this very brief, given we've exhausted quite a bit of the time allocated to this meeting. I think it's important to remind us that we've been discussing these questions of legal versus natural and also of the contactability of registrants when we were working on Phase 1. And at the time, the ISPCP has agreed that we should not make any distinction between different types of registrants given the risks associated with getting it wrong, and therefore we have supported the notion of the distinction between natural and legal to be optional.

I think that the guidance that the EPDP Phase 2A team came up with [inaudible] as far as we could get, given the different views that are had in the various groups. So it is possible and I think that a lot of companies would pick up on that option to go to a registrar that will make the distinction. It will be possible to consent to the publication of registration data so that you could be associated with a specific domain name. We have guidance that's suggested in the initial report that speaks to how a registrar, should they opt to make the distinction, go about with this—that they have to inform the registrants about the potential consequences of publishing the data, easy means of rectifying data and all that. So, I guess that all makes a lot of sense.

And given that we have a lot of sole traders out there, a lot of very small businesses, where the owner of the business is the person giving the name to the company, there's the risk of publicizing data where you shouldn't, and therefore keeping it optional is something that we should be able to live with.

The public comment is done in a Q&A format. You can also download the Google form. There are a couple of questions that you're asked to chime in on, so we can come up with a comment as an ISPCP, but I also encourage the participants of this meeting to consider whether they want to chime in, whether they have things that the EPDP Phase 2A team has forgotten. So please make yourself heard.

One last sentence on the contactability issue. I think that also makes sense. So we are leaning towards making it possible for registrants to publicize the e-mail address or provide for contactability via email, but they should take care of appropriate means of anonymization, so that the contacts can't be reverse engineered and that they should therefore consider registrant based or registration based e-mail addresses through which the registrants can be contacted.

So, I think I should leave it here. You see the overview page in the Zoom room. If you could scroll up a little bit, that would be great because then we can see the end date for the public comment period and that is the 19th of July. So, mark your calendars. That's going to be the date by which the submissions have to be made.

WOLF-ULRICH KNOBEN:

Thank you to you both for that. I think it's very clear and it's very detailed, the things you have been dealt with here. Before I make a suggestion for how to proceed, I hand over to Philippe. Philippe, please take into consideration we have just eight minutes to go and we will have a hard stop at the end.

PHILIPPE FOUQUART: Thanks, Wolf-Ulrich. Just two things very quickly that I would add to what Thomas and Christian just provided. On the incentive for the market to take up the guideline, I think whatever we respond, I think we should give due consideration for the need for the industry to follow that.

If we, as an organization, would come up with something that would not be endorsed, we would have failed, even on our argument of saying we don't need consensus policy. We can go along with the guidelines. I think people should think about the incentives, whether inherent to the market or others. That's the first comment.

Then the second one would be on the discussion that is ongoing, both within Council and the EPDP on the triggers, we had a session about the evolution of the regulatory regimes yesterday. There is a question as to whether there is a need to have explicit triggers or others, but that's also maybe something that people would want to bear in mind in their responses. Very quickly and apologies for taking the time. Thanks, Wolf-Ulrich.

WOLF-ULRICH KNOBEN: No, it's good. Thank you very much for that, Philippe. So, here's my suggestion for proceeding. Thomas and Christian, I would like to ask you, at first to take this, I understand this is a comment in a question and answer form—elaborate on that. In addition, as you know the others are also requesting—the other members requested to do that,

everybody who is interested to do that. But then you, Thomas and Christian, come back with a common answer from your point of view to those questions to the list.

We will take that for the discussion around that, whether we can find a common position as ISPCP or we leave it as an answer from the various members. Is that a way forward?

CHRISTIAN DAWSON:

Yes, Wolf-Ulrich. That is a good way forward. Thomas and I will coordinate how we approach the membership and we'll go ahead and reach back out to you as soon as we can. I also need to note that, because I need to depart at the top of the hour, that the only note that I have on the ISPCP charter, jumping ahead, is that the drafting group continues to work on areas of participation and we will have a meeting later this week to discuss that.

WOLF-ULRICH KNOBEN:

So, we covered already one of the points. Thanks, Christian, for that. Nevertheless, let's take the very last three minutes for the GNSO update, especially on the motion of the framework for continuous improvement. Philippe, could you help us?

PHILIPPE FOUQUART:

Yes, thank you. Very quicky then. Only on the first one. The second one is up for discussion. We're not going to have a vote on this. On the first one, we will vote on a motion to start a pilot. It's a new pilot of a

framework for continuous improvement. This is meant to put in place an organization within Council, [or depending] from Council from the GNSO—from participants from the GNSO—to take up the tasks that are on the project list that need to be done by Council or by Council's oversight. Need to be done by the GNSO.

The first task is—and it's the subject of the motion. It will be very, very limited and I think it's on [EOI] update. It's essentially meant to fool-proof the procedure, the organization. There will be oversight by Council, but also it will request participation of the community. This is meant to be short-lived, limited in space and time if you see what I mean. I see no issue on this. Osvaldo may feel free to chime in. The CPH came forward with a couple of amendments. They're supportive overall. They see the point. Maybe they have questions about how, but they see the need for this.

We'll see for the other issues that are on the table, but it's only a pilot; I think we should support it. Mindful of time, I'll stop here. Thank you, Wolf-Ulrich.

WOLF-ULRICH KNOBEN: Thanks very much for that. Pilot means—is the community itself included in that pilot or is it just on the Council level?

PHILIPPE FOUQUART: Absolutely, yes, community is included.

WOLF-ULRICH KNOBEN: Is there any timeline in mind or is the timeline to be elaborated by the pilot group?

PHILIPPE FOUQUART: Exactly. I think it's up to the pilot to figure out the first task. There will be taskforces and it will be up to the group to figure that out.

WOLF-ULRICH KNOBEN: Okay, good to hear. Any questions?

No, there's none. So, very last point is just to remind you that we have upcoming elections. The first one is just ongoing. The process for nomination for the Council seat. And we have decided that the one for the—the further one for the ExCom of our group shall be after that meeting that we started, where we had to start the Council question because of a time limit regarding the [table] slots, I think. So, if there will be a face-to-face meeting. That's the reason why we started already.

There's nothing else from my side. Any further comment from others?

Doesn't seem so. Then thank you very much for your participation and discussion. And thank you, Brenda, for organizing. Have a good time during ICANN71.

BRENDA BREWER: The meeting has adjourned. Thank you. You may stop the recording.

[END OF TRANSCRIPTION]