
BRENDA BREWER: Good day, everyone. I'd like to welcome you to the SSR2 Plenary Call #85 on 2 October 2019, at 14:00 UTC.

Attending the call today are Danko, Jabhera, Eric, Russ, Naveed, Denise, Laurin, and Norm. I'm seeing if anyone joined. We have apologies from Kerry-Ann, Kaveh, and Negar.

Attending from ICANN Org we have Jennifer, Steve, and Brenda. Technical writer, Heather has joined.

Today's call is being recorded. Please state your name before speaking for the record. Russ, I will turn the call over to you. Thank you.

RUSS HOUSLEY: Okay, so the first thing is to remind people of the face-to-face meeting in January, the 16th and the 17th, in Washington. You should now have received the first invite from the travel folks to start making your arrangements. Please speak up if you have not received that welcome message from the travel team.

LAURIN WEISSINGER: I have received a message. I just wanted to relay again that I still have no access to the [SCM] portal, so I have to do everything by e-mail. Unfortunately, this wasn't resolved.

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.

RUSS HOUSLEY: Okay, I don't know whether staff can do anything to help with that or not.

[LAURIN WEISSINGER]: Russ, I believe so. We figured it out last time, but it is less user-friendly right now and somehow my account needs to be reset. I don't know.

RUSS HOUSLEY: Okay. All right, so the second thing on the agenda is to remind people of the dates that we'll be meeting in Montreal. The first is a time together ourselves on the 1st and the 2nd of November. So those will be two all-day meetings.

Then on the 4th of November, we have an engagement session for an hour and a half with the community. The goal is for us to share with the community our whole list of recommendations at that point. So we've got roughly a month to get to the point where we're comfortable that we have the final set of recommendations.

So everyone should be in the midst of sorting out travel for Montreal. I know I have flights but do not yet have hotel. I figure others are probably in a similar place. Are there any surprises there?

Okay, so the next thing on the agenda was last week the sub team on compliance and abuse had sent out some text. It got added to our recommendations document which is the one with the big red letters at the front. I don't know how else to describe these because the Google doc URLs are impossible to [remember]. But if you look at that document starting around Page 30, there's text that we asked people to

review for this week. I did not see any e-mail about this. Does anyone have something they would like to raise now?

HEATHER FLANAGAN: Russ, I had sent in a handful of questions, and I know Laurin has answered some of those, but there are still a few more to sort out.

RUSS HOUSLEY: All right, why don't we go through them now.

HEATHER FLANAGAN: Okay.

RUSS HOUSLEY: Just to get the dialogue going.

HEATHER FLANAGAN: Sure. Can totally do that. So my first question was on Page 32. Mind you, Page 32 that Google thinks it's 32 because there are page numbers in there that are not accurate.

RUSS HOUSLEY: They're just not the same.

HEATHER FLANAGAN: Well, one of them has to be right.

RUSS HOUSLEY: Okay, so on the slider bar. The one that [inaudible] 32?

HEATHER FLANAGAN: On the slider bar, yes.

RUSS HOUSLEY: Okay, thank you.

HEATHER FLANAGAN: It says, "Since ICANN derives most of its funding from registrars and registries, it should separate its registrar and registry compliance activities to ensure neutral and effective compliance with contracts." I was unclear if that meant separate them from each other or separate them together from all other ICANN activities.

DENISE MICHEL: Hey, I'm sorry. I'm in transit so don't have the text in front of me, but I can send in some additional words to clarify that.

HEATHER FLANAGAN: Okay. Then hopping to the second question which I believe is also on Page 32, actually it's a general question. It kind of sprinkles throughout much of what we've been working on. That's the use of the word "compliance" because sometimes it seems to refer to an action, sometimes it seems to refer to a department, sometimes it seems to

refer to a project or initiative. I'm not entirely sure how to differentiate one from the next. It seems very similar to tightening up the difference between ICANN versus ICANN Org versus ICANN community, that kind of thing. Is there any standard way of figuring out how the word "compliance" splits apart into meaning different things?

LAURIN WEISSINGER: Heather, just to check, what I e-mailed you, did this kind of make sense to you, or did I misunderstand the question?

HEATHER FLANAGAN: It made sense, but you also concluded with something of a question in terms of we're not sure how to actually separate the different possibilities of ICANN Compliance, for the function compliance, for general meaning. I'm going to be struggling throughout to know which one is actually intended.

LAURIN WEISSINGER: Yes, I think in that direction, Heather, I think this is where we have to go in as the people who voted respectively and help you out with that and say, yes, this is ICANN Compliance, this is compliance as a general term. I'm not sure there is a better solution to that. And with [the way] I said what do other people think is I didn't want to impose my potential misunderstanding on the rest of the group.

DENISE MICHEL: Yeah, it just depends on the context. You're right. I think in the text compliance refers at times to the ICANN Compliance team and it also refers to compliance with contractual obligations. And so maybe we should agree to always refer to ICANN Compliance team as the ICANN Compliance team and capitalize it [inaudible] other cases. I think that would probably make it clearer.

HEATHER FLANAGAN: I think so.

DENISE MICHEL: But you're saying there are many instances where it doesn't seem obvious to you, and we need to go in and write capital C Compliance team where that's appropriate. And then that should solve things.

HEATHER FLANAGAN: Yes. It may be obvious to someone who is much more familiar with ICANN Compliance work, but for someone coming in cold it's not that simple.

DENISE MICHEL: Yeah, it's a good point and the team should write for a broad audience and it we should make sure that we write it so it's obvious for everyone.

HEATHER FLANAGAN: Okay.

LAURIN WEISSINGER: Just as a question, Heather, if I wanted to start with that, where do you want to have these comments? In the standard Google doc?

HEATHER FLANAGAN: Yes, please.

LAURIN WEISSINGER: Okay.

HEATHER FLANAGAN: Yes, please. That way, more people will be able to see it just in case they want to say, hey, wait. No, I thought we meant something else. Hopefully, we won't have that problem, but just in case.

RUSS HOUSLEY: So I think we're on the right track here, but I just wanted to remind people of something Eric said way back in August 2018 which is remember that we're producing an archival document so we do want to make sure that people can read it years later and have it make sense.

Okay, Heather, you have another question?

HEATHER FLANAGAN: Oh, I have a list. My third question, you'll find this on Page 33 of the Google doc, the sentence is about abuse definitions and reporting. The "ICANN Board and ICANN Org should overhaul ICANN's approach to DNS

abuse definitions, tracking and reporting, including implementing community review recommendations and other security-related actions, act now using the current 'DNS abuse' definition and in parallel use international conventions to evolve the definition, create a single portal for all complaints, and make public reporting mandatory.”

I'm able to parse that right up until it says “act now” because what I'm reading is the recommendation on the one hand suggests that ICANN should use the current definition while it also supports redefining it by using the definitions outlined in the Convention on Cybercrime. I don't know how to resolve that.

DENISE MICHEL:

Yeah, that's a good question. The position that we're advocating is for ICANN to use the current DNS abuse definition that has been in place and well vetted for many, many years. Not use it as an excuse to not implement recommendations [inaudible] review or to carry out its current obligations.

And in addition – so think of it as a parallel track – in addition, using its current abuse definition to do its job, it should also look at the cybercrime convention, use the external experts that are continuing to evolve and keep pace with security threats, and add that into the mix. So it's a parallel track.

HEATHER FLANAGAN:

Okay.

DENISE MICHEL: Do your job now, improve what you're doing by using the cyber convention and factoring in cyberthreats to activities moving forward. And [inaudible] could definitely use help articulating that better.

HEATHER FLANAGAN: Okay, that's definitely helpful. I will see if I can make a recommendation on how to revise that text and send that out.

DENISE MICHEL: That would be great.

HEATHER FLANAGAN: Okay, where [am I]? Russ?

RUSS HOUSLEY: I was going to say, okay, thank you. What's your next comment? But you were already moving in that direction.

HEATHER FLANAGAN: Yep. The next comment actually just touches on I'm not quite sure what level of specificity is appropriate for the report. I'm looking at the statement that says, "The process would work as follows." And then it gets very specific that the process should be "1) Complaint submitted, ticket number created, sent to registrar; 2) Registrar responds, ticket closed. Registrar does not, goes to registry; and 3) Registry responds, ticket closed. Registry does not respond, it goes to ICANN."

That seems to be a little more detailed than seems necessary, and I wondered if it could be summarized into something like, "ICANN should

establish and maintain a single complaint portal for all complaints that would automatically direct reports to relevant parties, including appropriate registrars. All reports and their responses should be visible to the public and ICANN should include information regarding these reports in their annual report.”

Getting into that very, very specific detail of defining the process exactly seems maybe a bit much, but perhaps that’s what you want.

DENISE MICHEL:

I think the – and it would be good for Laurin and Norm to jump in here – but I think part of the challenge that we face and the nexus of some of the problems we’ve seen in the past is given broad direction in different programs and in different areas has not yielded that actions of follow through that’s needed. I find the detailed description that was added here to be useful and could envision things going in a very different and not useful direction without this guidance. But if you find it to be too detailed, maybe, I don’t know, Norm and Laurin, we should think about a broad statement and an annex with more detailed guidance or something like that.

HEATHER FLANAGAN:

I think one of the reasons that I question this is that this is somewhat unusual in the course of the other recommendations. Occasionally, it gets to this level of specificity, but not for every one.

NORM RITCHIE: Yeah, I [inaudible] agree with you. I think maybe we've gone too far there with the – why it's there is kind of an indication of the level of confidence we have in something being carried out. But perhaps this is a wrong way of doing that.

LAURIN WEISSINGER: So as I wrote this specific part of the text [I'll also weigh in]. The initial idea for writing this out was to make it very clear [in the team call] how we discussed this and what we were thinking [inaudible] process. My point of view, as I said in the e-mail as well, I don't think the language that is in the recommendation if you want is quite clear enough and would need to be edited to be clear enough.

I agree though that the other part – the 1, 2, 3, 4, 5 – is overly specific. So I think we either have to put this somewhere in an explanation text, somewhere not part of the recommendation, or change the language that I'll just call the recommendation text to be a bit more specific because right now I think it's too vague without the explanation for people even willing to do exactly what we're intending to understand [what we're intending].

RUSS HOUSLEY: So, Laurin, is the idea that you're wanting to put forward a strawman for the process?

LAURIN WEISSINGER: Russ, this could, for example, work. If we say this process could work along those lines, that would be fine. I just feel that what I again call the

recommendation text is a bit too broad and it might be misread very easily. That's why we put this in. I'm not sure how to resolve this perfectly. I think we need to go in the middle of the two statements to make it clear.

HEATHER FLANAGAN:

Well, that's certainly possible. I just needed some clarification on what you all were trying to do, but I think I have that. So I will make some suggestions and see if we can nudge this forward a little bit.

All right, the next one is – this was just a specific thing. It might be easier to answer online. Where it said "ICANN org must enforce norms within XXX" as if there was a particular date. I know Laurin said we left that blank to tie it to the release date for this report. Would it be easier to just say "ICANN Org must enforce norms within six months/one year of the release of this report rather than hang up on that finding a specific date? And if so, what's the appropriate timeframe?"

RUSS HOUSLEY:

Once the report is released, the board has six months to decide which parts it's going to implement, and then they do an implementation plan, which we have seen takes another several months. So less than a year is unrealistic is my only point.

DENISE MICHEL:

Unless you're asking them to do something that they were supposed to be doing anyway.

RUSS HOUSLEY: Right.

HEATHER FLANAGAN: Which seems to be the majority of this report.

RUSS HOUSLEY: Why don't we put a year in for now and discuss it as we continue to finalize these.

HEATHER FLANAGAN: Okay. All right, next one was regarding in the Google doc throughout there are things that look like citation pointers except they're not currently citation pointers. They probably got lost when copying this over from the source Word doc. Denise, do you have the source Word doc that you could send to me?

DENISE MICHEL: Oh, yeah, absolutely. I'm just trying to think. I don't know if that has citations. I thought I included – I will send it to you.

HEATHER FLANAGAN: Thanks.

DENISE MICHEL: But I definitely included the citations that we had, yeah. So if you look at the bottom of Page – I don't know – at the top of Page 40 at the top, that's all the citations I had collected from the subgroup's work if I'm in the right document.

HEATHER FLANAGAN: Yeah, but those didn't match the numbers in the text, I don't think, or at least they didn't make sense.

DENISE MICHEL: That's inconvenient. Yeah, I'll send you another copy of the subgroup [inaudible].

HEATHER FLANAGAN: Yeah, to give you a specific example, the thing I just asked about, "ICANN Org must enforce the norms within XXX [16]." But that 16 is the Verisign blog DDoS trends report which was used as a reference earlier. So something's missing, and I don't know what it is.

DENISE MICHEL: All right.

HEATHER FLANAGAN: Okay?

DENISE MICHEL: Okay, I'll send it to you.

HEATHER FLANAGAN: Thanks. This next one is, again, this was a question of how much detail is appropriate. It may be that this is fine. It just stood out to me as something a little bit different than many of the other recommendations that we had. This is on Page 36 and 37 of the Google doc where the recommendation is very specific in terms of “provide a Registrar with a discount down to the current \$0.18 per domain.” Later it says “provisions that establish thresholds of abuse (3% of registration or 30 total whichever is the higher).” It’s getting into very specific numbers and even prices, I guess. Is that okay, or is that something that should be left as a business decision for ICANN?

DENISE MICHEL: I think that gets into more of a substantive decision or question. Clearly, the subgroup thought that level of specific recommendations was the most useful approach. But it would be good to discuss if people feel it’s [not useful].

HEATHER FLANAGAN: Right. Well, Laurin mentioned that he thought it might be overly specific. I don’t have a good sense for this, so this is definitely a group decision.

DENISE MICHEL: Yeah.

LAURIN WEISSINGER: I would recommend to do something along the lines of maybe a percentage or something like that. Again, we don't know when the report will come out, so this will be pretty difficult to say do exactly that number. It might not be appropriate in two years' time when this is actually [of interest].

DENISE MICHEL: I can play with that language and suggest [maybe edits with a footnote].

HEATHER FLANAGAN: Okay. That brings me to my last question. This is in some of the [further] recommendations to ICANN where the first set of recommendations refers to ICANN making improvements to SSR by updating contracts. In the third set of recommendations it states that "ICANN's legal authority to address compliance, security and/or stability of the DNS, is based on the bylaws and in relation to compliance by Registrars." On the one hand we're talking contracts, and on the other hand we're talking bylaws. Are these things in conflict?

DENISE MICHEL: No. It should reference the bylaws and contracts. They contracts flow from the bylaws.

HEATHER FLANAGAN: Okay.

DENISE MICHEL: So the bylaws set forth the responsibilities and ability to create policies and use contracts to implement those policies. Contracts actually set forth the legal obligations that are to be complied with.

HEATHER FLANAGAN: That makes more sense to me. Thank you.

RUSS HOUSLEY: Okay, which one of you is going to write the words?

HEATHER FLANAGAN: I'm going to write the words, I think, or at least propose words.

RUSS HOUSLEY: Okay.

HEATHER FLANAGAN: Denise has [inaudible] other stuff to do.

RUSS HOUSLEY: I just didn't want to move to the next topic without one of you having said, okay, I'll [take the edit] or suggest an alternative.

HEATHER FLANAGAN: I'll take care of that. That was my last question regarding the recommendations. There are some other questions regarding the findings, but I'm happy if folks want to just cover that via e-mail.

RUSS HOUSLEY: Yeah, I think that's appropriate at this stage where we're pushing really hard on the recommendations now. Okay, the next topic has to do with the comments to the implementation plan on CCT. Denise posted some proposed text. I sent a comment, and I haven't seen any others. Wait, yes, I did. Oh, Matogoro supported my proposal, and that's the only other one I have seen. Are there other people who have had a chance to take a look at this text?

LAURIN WEISSINGER: I haven't had a chance because it came yesterday night, so I will do this later today.

RUSS HOUSLEY: Okay, I would appreciate the whole team weighing in on this. We have a short deadline to get comments posted. So please take a look at this in the next day or two and post comments to the list.

Okay, I believe that's our last agenda item. Does anybody have any other business? Okay, hearing none, Jennifer, would you summarize the actions? Thank you.

JENNIFER BRYCE:

Thanks. The action items I captured, first of all, working backwards, team members to share their feedback on the list regarding the CCT implementation plan public comment that Denise drafted and shared to the list.

And then I took a bunch of notes regarding the compliance and sub team recommendations text. All the questions that Heather shared are via e-mail. Her Questions 1 and 2, the compliance sub team members are going to work in the Google document on those ones. Questions 3, 4, and 9, Heather took the action to work on the text for those to propose in the Google document. And Questions 7 and 8, Denise took the action to send Heather the Word document of the compliance sub team text and proposed language to address Question 8. And then team members to address the questions that Heather sent on the sub team findings via e-mail. So, obviously, all of that will be captured in the call summary that we'll send either later today or tomorrow.

If I missed anything, do let me know. Thank you.

RUSS HOUSLEY:

Okay, I'm not hearing anything, so I guess you captured all of them. All right, I think that wraps it unless anybody has thought of something while Jennifer was giving the summary. All right, have a good week. And on the actions for next week [was] updates from KC and Eric on the recommendations that were added a week ago. So hopefully, we will have a complete set of recommendations coming out of the call next week. Thank you.

[END OF TRANSCRIPTION]