03:13:17   Javier Rúa-Jovet: Hey @Danko!
03:13:33   Maureen Hilyard (ALAC):   Hi everyone.. again for many of you. Thank you for coming.
03:14:04   dwixsom: tion
03:14:31   claudia.ruiz: Hello, my name is Claudia Ruiz and I will be monitoring this chat room. In this role, I am the voice for the remote participants, ensuring that they are heard equally with those who are "in-room" participants. When submitting a question that you want me to read out loud on the mic, please provide your name and affiliation if you have one, start your sentence with <QUESTION> and end it with <QUESTION>. When submitting a comment that you want me to read out loud of the mic, once again provide your name and affiliation if you have one then start your sentence with a <COMMENT> and end it with <COMMENT>. Text outside these quotes will be considered as part of "chat" and will not be read out loud on the mic. Any questions or comments provided outside of the session time will not be read aloud. Please note that audio is available in French and Spanish. All chat sessions are being archived and follow the ICANN Expected Standards of Behavior: https://www.icann.org/resources/pages/expected-standards-2012-05-15-en
03:15:11   Javier Rúa-Jovet: No sickness here. Very grateful for your work @Jonathan.
03:15:24   Maureen Hilyard (ALAC):   +1 Javier
03:16:16   Graeme Bunton: /wave
03:16:17   James Bladel: FYI - "SDL1A Portugal Conference Room" is also me. Thx!
03:18:54   James Bladel: "No good deed...."
03:19:17   davekissoondoyal: +1 Javier and thanks @JZ
03:20:09   Maxim Alzoba: there is a due process for change of Registry contracts, it is written in the RA (Registry Agreement)
03:20:25   Joanna Kulesza: Yes! Away with the picket fence!:)
03:22:59   Glenn McKnight, Foundation for Building Sustainable Communities: I missed the first slide. do we have them posted?
03:23:37   Pam Little: https://community.icann.org/display/atlarge/At-Large+Meetings+-+Monday%2C+09+March+2020?preview=/124847126/126428462/CCWholistic03.pdf
03:23:38   Holly Raiche: Who are the '
03:23:57   Holly Raiche: others' Jamie is talking about
03:23:57   Danko Jevtović (board):   https://community.icann.org/download/attachments/124847126/CCWholistic03.pdf?version=1&modificationDate=1583767797000&api=v2
03:24:30   Justine Chew: Still 20 or so too many?
03:24:41   David Conrad: Perhaps of interest: https://ithi.research.icann.org/graph-m2.html
03:24:59   Javier Rúa-Jovet: yep
03:25:25   Jonathan Zuck: haha!
03:25:27   Gisella Gruber: (FR) Si vous souhaitez poser une question ou faire un commentaire en francais, veuillez le taper dans le chat en commencant et en terminant votre phrase par: <question> ou <commentaire> (veuillez les garder courts SVP). Les questions seront traduites en anglaise et lues a haute voix par le personnel At-Large.

(ES) Si desea hacer una pregunta o hacer un comentario en español, escríbalo en el chat comenzando y terminando su oración con <PREGUNTA> o <COMENTARIO> (manténgalos cortos). Las preguntas en francés se traducirán al inglés y el Administrador de participación remota las leerá en voz alta.

03:29:20 Jonathan Zuck: CCT

03:32:44 Maxim Alzoba: please be aware that during the Registry Audit ICANN Compliance requested some items, answers to which constituted a crime in a local law (reporting of actions of local LEAs to a foreign entity) , so not all questions during that audit were legit ones

03:32:59 James Bladel: Pop quiz! Sounds fun…

03:34:27 Maxim Alzoba: there is a lot of nuances in laws worldwide, not necessary a registry not able to sign the framework does not make required efforts.

03:35:49 Tijani: Hi there

03:36:02 Tijani: Sorry for being a little bit late

03:36:05 Maureen Hilyard (ALAC): hi Tijani

03:36:30 Maxim Alzoba: if the case is similar to phising, then, most probably should be reported to a registry too... but does not work if the name is in ccTLD world

03:36:38 Maxim Alzoba: or might not work

03:36:49 Alan Greenberg: @Jamie, what is the turn-around time for addressing a complaint like this _ time from receipt to issuing first notice to Rr?

03:37:24 Maxim Alzoba: first - you need to check if names in ccTLD or not

03:37:45 Maxim Alzoba: if ccTLD - ICANN does not have anything to do with it

03:38:58 Justine Chew: @Maxim, let's leave ccTLD out for this discussion

03:40:34 jamie.hedlund: @Alan - our internal SLA is 3-5 business days. It can be longer if for example the reporter takes longer to provide evidence supporting the complaint.

03:40:43 Alex Deacon: The flaw in this scenario seems to be that the FB info would be "public" WHOIS data. Clearly this is no longer the case so we would never know that fake FB info was used.

03:41:25 Fabricio Vayra: Hand Up. I can provide context on similar example and what actually happened as a result of reports to registrar and ICANN Compliance.

03:41:52 Alex Deacon: Even if an ARS was filed its not at all clear to me that Compliance would be given access to non-public information anyway.

03:44:33 Alex Deacon: Finally - if someone asks for the non-public data to be disclosed via the current temp spec regime, odds are pretty good that there would be no-response or a denial.

03:44:54 Gisella Gruber: @Fabricio - hand noted

03:45:06 Maxim Alzoba: it is due to EU laws

03:45:36 Russ Pangborn: Great point @Alex. Would love Jamie's response to the lack of access to registrant data …

03:45:48 Bill Jouris: What are the chances that EU law will evolve, as they gain experience with the unintended consequences of their law as written?

03:45:59 Steinar Grøtterød: <COMMENT>The Registry should be able to act on this (if the RO is aware of the scenario)</COMMENT>

03:47:00 Maxim Alzoba: not if it contradicts local law

03:48:02   Maxim Alzoba: I remind you that before the Court hearing ends not even a judge knows who prevails (if one of TM owner fight another TM owner)

03:48:25   Justine Chew: So how do we break that loop?

03:48:27   Maxim Alzoba: in the real world there is a small thing called liability

03:48:53   Maxim Alzoba: for breaching the contract with the registrant without a proper legal reason

03:49:48   Maxim Alzoba: in terms of the local law, which prevails anything in the contract

03:50:59   Bill Jouris: But does local law fault the (fraudulent) registrant, or the registry? If the former, not much hope for redress.

03:51:08   Steinar Grøtterød: @Maxim: In your scenario, can the RO implement in their Terms of Service, the possibility of putting the name on serverHold due to registered abuse?

03:52:29   James Bladel: @Zuck - can I respond to Steinar's point? Thx.

03:53:39   Maxim Alzoba: @Steinar, if something there actually legal in local terms

03:54:42   Maxim Alzoba: for example, if a registry decides to make a decision on which one of TM owners is the right one without the proper reasoning and due process - it might be reversed in the court and liability comes into force

03:54:57   Alan Greenberg: I['m sure in MANY cases, it is working. But the "edge case" is too common.

03:55:23   Jonathan Zuck: Exactly @Alan!

03:56:31   Maxim Alzoba: please be aware that what US entities doing is not always applicable outside of US (like DMCA)

03:57:02   Javier Rúa-Jovet: Its a bad use of Guacamole, which is holy and tasty!

03:57:24   Maxim Alzoba: if you manage to find this situation without registration to cctlds - it would be a rare case

03:57:35   Justine Chew: bad behaviour

03:58:24   Maxim Alzoba: and if the same entity is a registrar with ICANN and ccTLd the same time - policies are not compatible

04:01:16   Maxim Alzoba: the issue here is the word "clearly".. it should be supported by facts and should constitute either a breach of a local law (the same entity as a registrar) or some policies (registrar it registry or ICANN)

04:04:01   davekissoondoyal: is there any timeframe to take down the reported domain names?

04:04:28   Maxim Alzoba: as soon as it works

04:05:16   Alan Greenberg: So we shrug our shoulders and say it is as good as it's going to get?

04:05:33   Alex Deacon: @AlanG - kinda sounds like it.

04:05:46   Justine Chew: with a LONG sigh ....

04:05:49   Maxim Alzoba: btw - please be aware that some cases Compliance used in Registry audit were not factually correct (in our case 3/4 or reported domains were never registered, the rest were taken care when info came)

04:06:59   Maxim Alzoba: there is a short question for the auditorium, do we know how to prevent bad actors from pretending to be from cyber security community or from turning rogue?

04:08:01   G A: Should we be happy with a "Boutique shop" registrant being able to be listed as Registrant on behalf of their abusive/criminal customers?   Is there not benefit to the Registrant always being the actual domain user?

04:08:32   David Taylor: Real life example of the previous scenario with brand targetted online and 1153 domain name registrations (from 2015 and pre Temp Spec / GDPR) : https://www.wipo.int/amc/en/domains/search/text.jsp?case=D2014-2015

04:08:33   Maxim Alzoba: another grand issue - failure to provide evidence with the report of the bad domains (some sources do that - like phishtank, most do not)

04:09:35   Maxim Alzoba: definitely an abuse

04:11:22   Alan Greenberg: Jonathan didn't say a P/P service was used. I thought it was justa matter of data redacted due to the temp/spec of EPDP.

04:11:30   Russ Pangborn: Doesn't this beg for an obligation to indicate the party is a Privacy/Proxy service? And in turn, whether the P/P service is affiliated with a given Registrar?

04:11:40   Alan Greenberg: Sorry.

04:15:29   Maxim Alzoba: imagine a case where an advocate is behind the registration and provides services to own clients (dead end)

04:15:30   Dean Marks: +1 Russ

04:15:39   Russ Pangborn: If it comes to requiring the parties to sue to address dns abuse in these scenarios then the policy development processes with ICANN are failing … litigation should not have to be the norm.

04:16:56   Maxim Alzoba: without legalities it looks like an ask to violate the law for the good cause

04:17:14   James Bladel: Here's the provision Fab mentioned:

04:17:15   James Bladel: 3.7.7.3 Any Registered Name Holder that intends to license use of a domain name to a third party is nonetheless the Registered Name Holder of record and is responsible for providing its own full contact information and for providing and updating accurate technical and administrative contact information adequate to facilitate timely resolution of any problems that arise in connection with the Registered Name. A Registered Name Holder licensing use of a Registered Name according to this provision shall accept liability for harm caused by wrongful use of the Registered Name, unless it discloses the current contact information provided by the licensee and the identity of the licensee within seven (7) days to a party providing the Registered Name Holder reasonable evidence of actionable harm.

04:18:36   Holly Raiche: Thanks for that James - not everyone has memorized the 2013 RAA

04:20:19   Holly Raiche: Isn't this an issue of ICANN acting outside of its remit???

04:20:45   Alan Greenberg: Isn't this a case where the Ry *IS* the one to contact??

04:20:51   Jonathan Zuck: Except its IN the contract!

04:21:28   Maxim Alzoba: example, a bank's website was compromised for 5 minutes and cured after that period of time... what should be done?

04:21:53   Sebastien Fortin: <COMMENT> For all registrars, the first step would not be to transmit a request via an online service (ICANN) based on artificial intelligence which would have the process of detecting fraudulent registrations or at least qualifying their quality and determine the potential risks of a request. </COMMENT>

04:22:02	Dean Marks:	<QUESTION> How does Compliance and GoDaddy interpret and apply the following provision of the RAA "Well-founded reports of Illegal Activity submitted to these contacts must be reviewed within 24 hours by an individual who is empowered by Registrar to take necessary and appropriate actions in response to the report." If a report of illegal activity, such as pervasive copyright infringement, is made and reported with evidence, what is considered "appropriate action" in response to such a report?

04:22:15	Maxim Alzoba:	@Alan, it so better to contact both RO and Rr in that case

04:23:21	Holly Raiche:	What if the activity is NOT illegal, but is misleading - and not in compliance with the PIC

04:23:23	Alan Greenberg:	Ry is the one that would really care!

04:23:46	Maxim Alzoba:	@Dean, it depend on the jurisdiction of a RO, Rr... if something is a violation of the law for one of them - it should be reported to them and, most probably they will act

04:24:02	Dean Marks:	Forgot to add <QUESTION> at end of above question I submitted. Apologies.

04:24:38	Maxim Alzoba:	but if something is a potential violation of a law in some foreign jurisdiction, no decision of the Court of the applicable jurisdiction provided... then it is just a claim

04:24:50	Heidi Ullrich:	@Dean, we've pointed your question out to Jonathan.

04:25:23	Heidi Ullrich:	Time check - 17 mins remaining in the session

04:25:58	Dean Marks:	Many thanks Heidi.

04:26:44	Holly Raiche:	QUESTION: What if the action is NOT illegal but not in compliance with the PIC QUESTION

04:27:18	Justine Chew:	Dean's Q: <QUESTION> How does Compliance and GoDaddy interpret and apply the following provision of the RAA "Well-founded reports of Illegal Activity submitted to these contacts must be reviewed within 24 hours by an individual who is empowered by Registrar to take necessary and appropriate actions in response to the report." If a report of illegal activity, such as pervasive copyright infringement, is made and reported with evidence, what is considered "appropriate action" in response to such a report?

04:27:29	Maxim Alzoba:	then it is in the contactual framework, and enforceable

04:28:09	Maxim Alzoba:	an appropriate action according to the established practice

04:28:19	Maxim Alzoba:	for the entity

04:30:33	Mason Cole:	12 minutes to go....will there be open discussion or q&a, or is the rest of the call given over to these hypotheticals?

04:30:56	Maxim Alzoba:	it looks like q&a so far

04:31:19	Maxim Alzoba:	trusted notifiers are strictly peer to peer

04:31:26	Jonathan Zuck:	Mason, what were you hoping to discuss. This is meant to be the agenda for the call but happy to get to something else if needs be

04:31:46	Dean Marks:	Thanks Jamie for the direct and forthright response. It's not what I would like the answer to be, but I very much appreciate the concrete response. Thanks for the plug for Trusted Notifier!

04:31:57   Maxim Alzoba: for example, local central bank cyber security branch is quite good at identifying phishing

04:33:22   Dean Marks: Any CP that wjshes to consider Trusted :Notifier for copyright infringement, I would be happy to talk with you!

04:33:54   Dean Marks: Also appreciate your direct response James

04:35:33   Justine Chew: Who is to say that they are who they say are.

04:36:33   AK oloyede: Hi, the request from Law Enforcement officers can it be from any country and how do you verify that the request is genuine and in line with the laws of the country.

04:38:12   Reg Levy - Tucows: .insurance, .versicherug

04:39:21   Justine Chew: A case of preventive mechanism versus curative action.

04:40:21   James Bladel: I thought that particular registrar was no longer?

04:40:51   Jonathan Zuck: But it took 6 years! And it was ONLY because they fell apart, not because of the high percentage of abuse

04:41:51   Owen Smigelski (Namecheap):   @AK oloyede - It is only for law enforcement in applicable jurisdictions (not all law enforcement worldwide)

04:42:35   David Taylor: The high level of abuse in Alpnames was identified early on and highlighted in the CCTRT report. How are these scenarios not repeated.

04:43:36   Jonathan Zuck: Exactly David. It took six years and it wasn't the abuse that killed them

04:45:46   hanan khatib: thank you all

04:46:16   Justine Chew: Agreed @James !

04:46:18   margiemilam: We appreciate those registrars that invest in security!

04:46:52   Dean Marks: Hear, Hear James! Agree that registrars that invest in anti-abuse shouldn't be disadvantaged vis-à-vis bad actor registrars

04:47:03   Justine Chew: As At-Large has said, we appreciate good actors, we just ICANN to go after the BAD actors.

04:47:14   Justine Chew: *want ICANN to

04:47:20   Joanna Kulesza: Agreed, while a shared definition of DNSAbuse would be most helpful here

04:47:20   Maxim Alzoba: thanks all, it is quite late

04:48:07   Dean Marks: +1 Justine

04:48:22   Heidi Ullrich: Please note that extensions are only allowed on the last meeting of the day.

04:49:05   Holly Raiche: @ James - what is the number of the clause you just talked about??

04:49:17   James Bladel: eek…testing my memory Holly. Just a sec.

04:49:23   Maureen Hilyard (ALAC):   Very interesting session based on these examples and the discussion around them. thank you Jonathan, Jamie and James and everyone else how has contributed to the conversation.

04:49:56   James Bladel: Sec. 5.5

04:50:14   Holly Raiche: thanks James

04:50:32   davekissoondoyal: Thanks and bye to all

04:50:33   Justine Chew: Yes!

04:50:37   Holly Raiche: @ JZ - put s. 5.5 at the first item in our next CPWG meeting
04:50:40   David Taylor: Check out the DADRP (Domain Name Abuse Dispute resolution Policy) as suggested in the CCTRT report.
04:50:45   MShears: excellent session - thanks
04:50:47   Evin Erdoğdu: Thank you all!
04:50:48   Cheryl Langdon-Orr: REALLY worthwhile session today here team, even at the end of a *very long day (I have had back to back and overlapping calls since Public Forum ended... So glad you all worked with us on this and THANKS JZ and the Tech support and *Interpreters* Great work! MORE to follow of course!   Bye for now...
04:50:53   Alan Greenberg: Thanks Mason.
04:51:04   Glenn McKnight, Foundation for Building Sustainable Communities: Lots of content. Thanks all.
04:51:07   James Bladel: @Mason the rate of abuse is also something we should scvruitinze. Is it going up, or are we getting better at measuring it?
04:51:16   Danko Jevtović (board):   thank you ALAC, all
04:51:19   James Bladel: Is it growing at scale with the growth of the internet? Or faster or slower?
04:51:25   Natalie Rose: Very good session
04:51:28   Dean Marks: +1 Mason on behalf of IPC as well. Thanks everyone for the excellent session.
04:51:32   Justine Chew: Applause
04:51:33   Fabricio Vayra: Thanks, everyone! Great discussion.
04:51:36   Maureen Hilyard (ALAC):   Thanks everyone
04:51:38   G A: Solid discussion.
04:51:38   Abdeldjalil Bachar Bong: thanks merci bye
04:51:38   Mason Cole: thanks everyone!!
04:51:38   Holly Raiche: thanks everyone
04:51:39   Arinola Akinyemi: Thanks everyone
04:51:40   David Taylor: Yes, thanks ALAC and all
04:51:40   Glenn McKnight, Foundation for Building Sustainable Communities: thanks interpreters...
04:51:41   Alperen Eken: Thanks everyone
04:51:42   James Bladel: That's why we have to be careful about saying what we do currently isn't working. Maybe we need new tools, maybe we need to improve existing tools.
04:51:43   Heidi Ullrich: Thanks, All
04:51:43   Olivier MJ Crepin-Leblond: Thanks all, this was very interesting
04:51:44   silvia.vivanco: Thank you all!
04:51:46   Zarko Kecic: thank bye