CLAUDIA RUIZ:	Good morning, good afternoon, and good evening to everyone. Welcome to the Consolidated Policy Working Group Call on Wednesday the 9th of June 2021 at 19:00 UTC. In order to save time, we will not be doing a roll call today. However, all those in attendance will be noted from the Zoom room as well as the Audio Bridge.

I would, however, like to note the apologies that we have received from Priyatosh Jana, Adrian Schmidt, Lutz Donnerhacke, Holly Raiche, Eduardo Diaz, Adrian Schmidt, and Vanda Scartezini.

From staff we have Heidi Ullrich, Evin Erdoǧdu, Devan Reed, and myself, Claudia Ruiz, on call management. We have Spanish and French interpretation on today's call. Our Spanish interpreters are Claudia and David. And our French interpreters are Aurélie and Isabelle.

We also have real-time transcribing on today's call. I will put a link in the chat so you can all follow along.

A friendly reminder for everyone to please state their name when taking the floor each and every time, and to please speak at a reasonable speed to allow for accurate interpretation; and to keep your microphones muted when not speaking to prevent any background noise.

Thank you all very much. And with this, I turn the call over to you, Olivier. |

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Claudia. Welcome to this call today. We are going to start with the ICANN71 At-Large policy sessions and talking points. Our last chance before next week when the meeting will take place. Jonathan Zuck will take us through that.

Then we'll have our work group updates with the various work groups, and some focus specifically on the Transfer Policy Review Policy Development Process. But also, some update on the Intergovernmental Organization Work Track, on the Expedited Policy Development Process, on the Temporary Specification of gTLD Registration Data—the famous EPDP of which there are others coming now.

And after this, we'll have policy comment updates with Jonathan Zuck. And in there, we'll have a presentation by Owen Smigelski from the Registrar Stakeholder Group. He's actually head of Compliance & Relations at Namecheap. You might remember the name. Owen used to be head of ICANN Compliance for some time, so it will be great to sed him again in the room a little bit later. And he will be presenting this Draft White Paper on Registrant Protections in DNS Abuse Mitigation.

The deadline for this, actually, is a flexible deadline, but they will be presenting some work at the forthcoming ICANN meeting. So, we're going to get some sneak peek at this today. Really exciting.

And then after that, we'll have AOB, Any Other Business. So, does anybody wish to change some things in the agenda? Are there amendments/additions/deletions, etc.?

I am not seeing any hands up at the moment, so it looks like the agenda will be adopted as it currently is on your screen and we can swiftly move

on to the Action Items of which there are four, but two yet to be ticked. One is with Lutz Donnerhacke with Consolidated Policy Working Group noted consensus to develop at At-Large statement on the—this is really amazing—[TPR-PDP/CCTPR-PDP] ALAC [reps]. I really do hope that will have less acronyms in the future. Don't ask me what this is. It's the Transfer Policy Review, of course, but I just thought I'd mention it.

And then the other one is for Evin Erdoğdu to finalize the ICANN71 talking points with Jonathan. And I believe both of these action items are probably likely to ticked sometime during today's call.

In the meantime, I'm not seeing any hands up, so it looks like we can proceed forward with the next agenda item. And that's, of course, the At-Large policy sessions and talking points. I didn't even check if Jonathan is with us or not. I think he is. Yes, he is. So, I'll hand the floor over to Jonathan Zuck. Welcome, Jonathan. You can take us through this forthcoming ICANN71 meeting.

JONATHAN ZUCK: Hi, Olivier. How's everyone doing? So, we've had this document up on Google Docs for folks to comment on. I think we're close on these. I think there are a couple of comments that we haven't hunted down yet. I made a point that reputation block lists are a little bit like credit scoring. And it was more like it was like the credit reporting agencies that we have such as Experian and Equifax and things like that specify whether you're a good credit risk. And so, that's a little bit of the illusion I was making.

But I will go back through these comments, and we're going to present these in that initial opening session at ICANN71. I don't know if there are others that have read the talking points and have other comments they wish to make. I'll certainly deal with Steinar's comments as I go on.

I see Christopher Wilkinson has his hand up. So, if you've got a comment on these talking points, I'm happy to entertain it, Christopher.

CHRISTOPHER WILKINSON: Thank you. And thank you for doing all the work related to this point [inaudible] with knowledge. First of all, I recommend that we indicate who we're talking to. Are these talking points internal to ethe At-Large community , or are they talking points with the so SO/ACs? Or are they talking points with the Board? I agree with most of the detail here as to what should be talked about, but I think we deserve it to our respective communities to say somewhere who it's supposed to be talking to.

JONATHAN ZUCK: Thanks, Christopher. And I guess it's never been the intention to be particularly prescriptive for the audience. It's more to sort of delve back into some of the consensus positions that we've taken to date and remind people what those positions were if conversations take place. I mean, this began as an exercise, Christopher, for people that might find themselves in hallway conversations. Right? Or they might find themselves in a session and want a little bit of a background on the topic as they're listening to the session in case they want to prod out or intervene with an At-Large community position. Way less formal than that, Christopher. There's not a particular target audience. It's a

community as a whole that these are talking points for, and they're not for a specific meeting because when there is a need for a specific meeting with the Board or staff or something like that, we deal with that more formally. So, this is an informal document for informal communications. I hope that is helpful.

CHRISTOPHER WILKINSON: That's very helpful, indeed. To supplement your point, first of all, I think it could be garnished with a few links. I see there's only one actual link. And check through it for acronyms. I think I'm an old hand in certain respects, but I still, to this day, could not identify what is the SSAD. And I'm sure there's good company. Thank you.

JONATHAN ZUCK: Christopher, that's a good point. As we finalize this, we will flesh out with some explanatory text. These are just the high-level talking points, and so the way this has always gone down is that we sort of talk about them as we present them. And there's generally some explanatory texts along with the points. They don't live on their own as just bullet.

And so, if you look back at some of the previous talking point documents, you'll see that it's sort of like a bullet with a little bit of text under it. And that's how it'll end up being, to kind of explain the point. And you're right about the acronyms as well, so thanks for the reminder on that.

CHRISTOPHER WILKINSON: [I hope so.]

JONATHAN ZUCK: Marita Moll.

MARITA MOLL: Thank you. My section on multistakeholder model, I've been asked to shorten some of that. I haven't had a chance to work on this, and I think it also needs some work to make some sense to a wider audience. But now, Jonathan, I think you're saying that you're also going to be wanting us to add some explanatory paragraphs on each one of these. Is that right?

JONATHAN ZUCK: Yeah. I mean, generally speaking, there's a distinction between the bullets, the thing that's sort of the trigger sentence—the rhetorical point—and then a little bit of a description underneath it. So, ideally, if it's not self-evident and I won't, for example, be able to come up with that explanatory text when I go through this, then that would certainly be helpful, for sure, Marita.

MARITA MOLL: Okay. Well, that will actually help shorten them because I thought they were stand-alone and [inaudible].

JONATHAN ZUCK: Yeah. We probably should have fleshed them about before this discussion, but they've never been stand-alone. There's always a bullet

and a little bit of explanatory text, historically. So, we'll try to get to the same place. They'll end up in a set of PowerPoints that will have bullets on the slides, eventually, and then some discussion in the Notes section of the slides.

MARITA MOLL: Okie dokie.

JONATHAN ZUCK: Thank you. Christopher, is that an old hand or a new?

CHRISTOPHER WILKINSON: No, it's a very quick new hand.

JONATHAN ZUCK: Go ahead.

CHRISTOPHER WILKINSON: Under the multistakeholder model. Maureen recently sent us a memorandum about the change in the structure of the PDP for a particular EPDP IDN PDP. Without prejudice to what I think about giving the IDNs to the GNSO, it did raise the question: is the Board and the GNSO deciding to change the structure of PDPs so that there is a formal balanced structure among the voting participants? Whereas, the other participants are observers? And does this apply to all PDPs, or is this a local experiment? I ask because, as many of you know, I think the GNSO system in recently years, and certainly in the SubPro area amount

to—yeah, I'll use the word—a cartel of registries and registrars imposing their interests. But I was more interested in what exactly has happened between the SO/ACs and the Board to produce this idea that's in the multistakeholder model. There should be imposed balanced and quotas in the participation of PDPs.

JONATHAN ZUCK: Christopher, I think that's a fairly in-depth, quick question for a discussion of talking points for the … And I know that there are some on the call that are probably able to answer that question. I think it's a little bit of a diversion right now, but let's throw that onto Any Other Business for the time being and just see if there's a way to have that conversation if we have time at the end.

CHRISTOPHER WILKINSON: Okay.

JONATHAN ZUCK: Thanks, Christopher. Marita, is that new?

MARITA MOLL: Yes, it's new. Could we scroll down a little bit on that page just to point 4—1,2,3,4—under the multistakeholder model? Okay. You'll see there that "PDP 3.0 must be thoroughly evaluated to ensure the right balance of participants." I put that in there specifically to speak to Christopher's point, not wanting to say that it's good/bad or whatever but, just,

should we be having a look at it. So, that's how I thought perhaps we could address that or bring it up.

JONATHAN ZUCK: Thanks, Marita. Greg.

GREG SHATAN: Thanks. I think this is a very valuable point and also goes to larger questions about PDP 3.0. We might want to consider rephrasing that last point slightly because it implies that there is a right—

OLIVIER CRÉPIN-LEBLOND: Have we lost Greg?

GREG SHATAN: Can you hear me?

JONATHAN ZUCK: Yes, we can hear you. I don't know [if the others] [inaudible].

MARITA MOLL: We can hear you.

GREG SHATAN: Okay. Somebody lost me. Somebody said, "Have we lost Greg" in there. There we go. But in any case, this implies that there's a right balance of

participants or maybe only one right balance. I think the concern is that PDP 3.0 assumes perhaps that there is a balance and right balance, and it's not right. And maybe it should be evaluated regarding the balancing of participants—might be the way to put it because I'm not sure that there is a right balance.

There's probably a range of right balances and a range of wrong balances. And I think the concern is that PDP 3.0 creates a wrong balance, or is likely to create wrong balances and that that models that we've seen inactive so far seem to devalue At-Large.

OLIVIER CRÉPIN-LEBLOND: Testing, testing. Is anybody hearing me on this channel?

GREG SHATAN: Olivier, if you can't hear any of us, then—

OLIVIER CRÉPIN-LEBLOND: [inaudible] died.

GREG SHATAN: Olivier died.

CHRISTOPHER WILKINSON: I hear Greg.

OLIVIER CRÉPIN-LEBLOND: Okay. Let me put the phone down.

GREG SHATAN: Okay. But that's just my point. Sorry to be distracted by Olivier speaking into the void. I think the point is right. The implications that it's a right balance of participants is incorrect. In fact, maybe even a flaw of PDP 3.0. Although, there are issues of an imbalance of participants that can happen in a number of different ways. And my view of the EPDP is [inaudible] problematic.

JONATHAN ZUCK: That's a good point. Obviously, that was just one of the models that came out of PDP 3.0, was that representational model. And many have made the point that we don't want to just default to that model all the time. I think that the biggest issue on PDP 3.0 is that we need to live with it a little bit and stop evaluating it in theory and sort of see how it falls out.

And so, let's look and see if all the models get used and when they're used and things like that rather than having ongoing navel-gazing about it prior to seeing it in action. I feel like that's the right answer because it is, now. It's a fact. It's not something that we're going to change without a big effort.

Marita, is that a new hand?

MARITA MOLL: Yes, it's a new hand.

JONATHAN ZUCK: Okay, go ahead.

MARITA MOLL: Thank you, Jonathan. Thank you, Greg, for your lawyerly voice there. And you're right. The right balance is the wrong balance of words. I only put that in there to test the waters because I wasn't sure whether or not we would want that in there at this point, speaking to Jonathan's point that it's a little early in the game.

I'm getting the feedback. I think I'm getting the feeling that maybe we should leave it in there. I should reword this in order to just balance out the balance. Does that sound okay?

JONATHAN ZUCK: Oh, for sure, Marita. And I don't mean to remove it. I guess I mean that we're in a constant state of evaluation but we're no longer at a commenting-before-it's-approved-by-the-GNSO stage as we once were. So, this is more for a long-term evaluative process than a short-term one. I think that's more the point that I was trying to make.

Cheryl, go ahead.

CHERYL LANGDON-ORR: Thanks, Jonathan, and very briefly. I typed a few things into chat, but just perhaps taking it a tiny bit further on PDP 3.0. We do have to realized that, of the three primary models that PDP 3.0 offer for

chartering—and even then there is flexibility, even in a representational model—how many seats to whom is something that the specific charter will change to meet the need? That is baked into PDP 3.0. We do need to give it a little bit more time.

But our experience of the choices of model is still very, very limited. And, for example, with the upcoming EPDP on IDNs, that is a model that, since PDP 3.0 [has been brought in,] we have not tested to date. So, I think, leave it in, do some clever wordsmithing. But it is something that is part of, really, a continuous improvement activity. And to many minds, and to, certainly, some people's intent, some parts of PDP 3.0 were exactly put into play to deal with concerns that Christopher and others have raised. So, it is in fact trying to improve the issue.

SubPro, just so you'd remember, was chartered well before—years and years—before PDP 3.0 was even though about. So, we're in new waters and we need to give it a little bit more time to navigate. But let's keep it on the agenda. Thank you.

JONATHAN ZUCK: Thanks, Cheryl. Alan, go ahead.

ALAN GREENBERG: Thank you. Two very brief comments. Number one, people seem to be confusing PDP 3.0 and the EPDP. Those are two orthogonal, completely different issues. PDP 3.0 are new formats of PDPs, so to speak. And EPDP is a PDP which has slightly changed rules in terms of omitting some steps and expediting some things. So, there really is no connection

between EPDP and 3.0 other than the first EPDP happened to come around at about the same time as we were talking about PDP 3.0. So, we should make sure not to confuse them. They are two different issues.

And, the last, just a comment which I find amusing is that some of the features of PDP 3.0 were put in to remedy things that some of us thought, in fact, were features of the PDP. Not everyone agrees on what the good things were of the old PDP or the new PDP. So, yes, we're probably going to have some problems with representation, in some cases, on PDP 3.0 because it changed some rules which some of found positive rules. Thank you.

JONATHAN ZUCK: Thanks, Alan. Christopher, go ahead.

CHRISTOPHER WILKINSON: Thank you. Three quick points. First of all, I think that the At-Large community—At-Large and ALAC—need to have a detailed taxonomic discussion of PDP3.

Secondly, what about—indeed the SubPro the others, perhaps—what about procedures that have gone forward on the basis of the old models that have produced these, from time to time from my point of view, totally indefensible and unsustainable positions? Does PDP3 provide a right to go back and review how things were done in 2007, 2012, and 2020?

I don't ask for answers now, but I don't think that we should accept that the stable door has been closed after the horses have bolted.

And finally, Alan, I also don't want to take time on this here now, but I was rather surprised about the proposal for EPDP IDN. GNSO has demonstrated manifest failure to reach conclusions in expedited terms about the EPDP. I wouldn't give any responsibility for EPDP back to GNSO. It's a failed organization when it comes to privacy and data protection, and we've known this for decades. And I think it's quite wrong and potentially damaging to the IDN community that we propose…

Of course, it's not At-Large. It's GNSO or ICANN. But it's damaging to propose that we put the IDN aspects of EPDP back into a GNSO PDP. No. They've screwed it up once, if not twice. So, stop. Find another way.

CHERYL LANGDON-ORR: I think we've gone down a rabbit hole. Haven't we, Jonathan?

JONATHAN ZUCK: We have, yes.

CHERYL LANGDON-ORR: It's a long way from our talking points. Thank you.

JONATHAN ZUCK: Definitely. These are all interesting conversations and at some point, I guess some will happen in the chat and we can bring them up. And there are ways to revisit things, but nothing about the PDP 3.0 is about revisiting old decisions.

Okay. Are there any other questions about the talking points themselves? Folks have had a chance to look at them. We'll fill them out with some background information. So, it will be a document and then a presentation at the beginning of the meeting.

If not, then I will return the microphone back to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Jonathan. Let's swiftly move to the next agenda item, and that's our work group updates that we have. And we'll start first with the Transfer Policy Review Policy Development Process, the famous TPR PDP. And for this, we'll have a little bit of time with Steinar Grøtterød and Daniel Nanghaka. I believe today there's a new update on that. Steinar, you have the floor.

STEINAR GRØTTERØD: Yeah, thank you. I may start on this one and Daniel and Lutz can drop in or add things to it. The last meeting was totally focused on auth code management. And we had, in my eyes/ears, a beneficial discussion about different aspects of this going into security mechanisms and how complex it can be, and so on.

As far as I understand, there was no conclusion taken at the last meeting. It has to be seen in combination with other elements like form of authentication, etc. But I believe that …

Well, let me also add to this that we, the group—the PDP—agreed to discuss the auth code management in front of other elements because

it's what we consider as some sort of the key things to discuss because this would kind of color the rest of the discussion.

We have also, there's a draft letter to the SOs and GNSO, etc. There's a link on the comment at the bottom of this agenda. There's a deadline there on June 24ᵗʰ which is really coming up really fast. So, any comments that you want us as PDP members to distribute into this, we need to know this in due time.

And we also have an updated internal working [inaudible]. And with that, I actually think Daniel or Lutz can take it from here. Thank you.

DANIEL NANGHAKA: Hi. Actually, I'm happy to say that the real work of the PDP has not started, and the discussions and the various deliberations have started to take place. We are having at least interesting dialogue and looking for ways on how we can be able to gain consensus.

Following the previous discussion about PDP 3.0, since already we're in the process, I would begin to see how the various SOs and ACs can be able to communicate to be able to state their respective positions. And that at this point, as Steinar has mentioned, there's a letter that has been written. And through this letter, it will help to be able to put the At-Large position, as far as the Transfer Policy is concerned.

Just a brief about some of the deliberations of the security issues that were discussed in the call yesterday included whether two factor authentication should be involved during the TPR. But there are a lot of more interesting issues that came up during the discussion whereby,

still, we weren't able to [drive] consensus. But as delve more and more into the whole PDP process, we shall be able to get more and more insights.

And also, the fact that we from At-Large have our respective position to represent the end users, we shall still need more feedback [inaudible] the joint position of At-Large, definitely through respective communication or dialog. We're in the process whereby we shall have to draft a document to be able to support the At-Large position.

In this letter it has been mentioned that the earlier it was submitted, the easier the discussions or deliberations will take place. So with this, I'm going to seek your respective input where need be, and we shall be collaborating together with the co-chairs such that we can be able to get substantial input into the feedback that we as the ALAC representative will be able to give during our respective meetings.

Yeah, we still have some time, but I would request for at least urgency in the matters of the PDP. Thank you.

OLIVIER CRÉPIN-LEBLOND: Yeah. Thanks for this, Daniel. Let's hear from Lutz Donnerhacke. If Lutz has anything to add, actually. Possibly not. Lutz is currently muted. Let's open the floor. Or do we have Lutz? No. It looks like we have a few technical problem here.

Let's open the floor to everyone, if there are any comments or questions from participants on the call. I am not seeing any hands up. If that's the case, let's then move on. Thank you very much for this update. Do you

have anything else to report on that, or should we just leave it at this and then move on? Okay. I think we can just move on then. Thank you so much.

Of course, next week is the ICANN week, so we're not going to have a Consolidated Policy Working Group call. But obviously, in two weeks' time we'll be able to reconvene, and by then I'm sure that there will have been a lot of progress in this working group. So, thank you, gentlemen, for this report.

Let's now move. And the next update is about the Intergovernmental Organization Curative Rights Work Track, the IGO Work Track. Yrjö Länsipuro has already unmuted his mic, so I gather he is ready so speak.

YRJÖ LÄNSIPURO: Yes, I am.

OLIVIER CRÉPIN-LEBLOND: Yrjö, you have the floor.

YRJÖ LÄNSIPURO: Thank you, Olivier. Just to remind you that this work track is a narrow one, both in terms of its subject matter and also the conditions imposed on it by GNSO Council in what we can suggest to change.

So, we tried to figure out what should happen if an intergovernmental organization, an IGO, wins a UDRP about its acronym and the losing

registrant wants to go to court by the IGO claims immunity. This problem is a leftover from the PDP that was supposed the solve the curative rights protection issues for IGOs and INGOs, that is the international non-governmental organizations. But the GNSO Council rejected the recommendation and set up this work track.

So, we have had 13 meetings now. We have made some headway towards a consensus, broadly speaking. The outlines of the solution of are there, but a lot of details remain.

So, the first problem was the standing of an IGO to go to the UDRP in the first place. There were ideas based on lists like a list drawn by the GAC or based on the Article 6ter of the Paris Convention. But finally, we came to accept that the IGOs have standing just because they are IGOs. That is to say that sovereign states have created them by entering a treaty.

I think this was a major thing because instead of somehow pretending that the IGOs can have trademarks, we now admit that they have standing because they have been created by sovereign governments. At the last meeting, this idea was given shape and written as a draft amendment to the UDRP rules. And that also included a fairly precise definition of what an IGO is.

The second point, the other emerging consensus is that arbitration should be the next step after UDRP instead of court action because of the immunity problem.

And the final problem is how to get the consent of the losing registrant who, after all, has the right the seek court action. But hereto, I think that a solution can be found by showing that even for the registrant, an

arbitration is actually a faster and cheaper road. But probably, the court action … Nobody can take away that right from the registrant. It remains there, but in practice it's faster and cheaper to go by arbitration route.

So, at the end of the last call, the chair, Chris Disspain, asked our staff to write a straw man draft of the initial report. And of course, it's just a straw man or straw person draft, but still, I think that we have come to a place where we're quite confident that we can finish this initial report by the end of August and then, perhaps, come to the final report by the end of the year. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you very much, Yrjö. Thank you for this update. So, the floor is open and I see that Sivasubramanian Muthasamy. So, Siva, you have the floor.

SIVASUBRAMANIAN MUTHASAMY: The processes established under UDRP and for who has a right to a domain name and the process of arbitration—they are not perfect, and we have to consider them as evolving processes and have to constantly look at the gaps. For example, does the trademark law and the existing trademark processes give a conclusive and fair answer to who has the right to a certain name? And these are some of the questions that we need to examine, especially to solve the NGO/IGO-related domain name issue [inaudible]. We have to think more extensively. And that's a general comment. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you for this, Siva. Any comments, Yrjö?

YRJÖ LÄNSIPURO: Well, not really.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you. I'm not seeing any other hands up, so let's continue for the next agenda. Well, same agenda item, but the next track. And that's the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data. And for this, we have Alan Greenberg. Alan, you have the floor.

ALAN GREENBERG: Thank you very much. As I presume all of you remember, the EPDP did use an—what's it called, not an interim report—an initial final report for Phase 2A last week. It was done in a way that some of us are fairly uncomfortable with for a number of reasons.

Number one, the first recommendation, Recommendation 1, says, "No changes are recommended at this stage to EPDP Phase 1 Recommendations" on the topic, essentially, of legal/natural differentiation. It is absolutely clear that we have not come to consensus on making a change, but certain, in my view, a recommendation saying we are recommending no change is not something that should be done. There are significant parties … Certainly all of the ACs and two or the GNSO constituents do not believe we should make a change, and

therefore even implying that we have consensus that there should be no change is misrepresenting our positions.

As important, perhaps, the timing of this whole process was not very acceptable to many of us. There was a deadline that had to be met, that the management of the EPDP decided they were going to meet. As a result, we had turnaround times of 24 and 48 hours to issue "cannot live withs". As I mentioned in an earlier meeting, I think an 18-page report had 27 pages of "can't live withs", which gives you some idea of the level of dissatisfaction.

As a result, the report was effectively rewritten and restructured to formalize questions more of the public comment period than really making recommendations. And we had something like, I don't know, 24 or 36 hours to review those and come up with any "can't live withs". Comments that came in an hour or two hours late were ignored. There was very little time to consult among the members, and no time at all to consult with our constituent groups.

So, as a result, there is some discussion going on whether we should invoke Section 3.7 of the GNSO Working Group Rules which basically says if we feel that we've been systematically ignored that we should first bring it up to the chair and, if necessary, bring it up to Council leadership. So, there is some discussion going on about whether that should be done.

And I guess the question I have for this group is, does that sound like something we want to do? It is certainly a wave-making activity which I don't think has ever been invoked before. I may be wrong on that. So,

it's where we are right now. I have no other comments. Hadia may have something to say.

And I guess I'd like for input of, do we want to make a fuss about this or do we want to sit back and it's going to go forward the way it is? Regardless, to be honest, I can't see the report being withdrawn at this point and substantially being changed. I can potentially see Recommendation 1 having some caveats associated with is, noting explicitly that there was no consensus on making the recommendation. I will note that the outcome for not making a recommendation and making a recommendation not to change is identical. So, there's no substantive difference in the outcome, but the message sent is quite different.

And I note that Cheryl says, "Rules are there to be used."

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Alan. Was Hadia going to say anything or not?

ALAN GREENBERG: I don't know. I don't see her hand.

HADIA ELMINIAWI: I thought I did put my hand up. I'm sorry. So, yes, I don't see my hand. So, actually, I have prepared a … First of all, I definitely agree with everything Alan has said, and there have been discussions going among

us if we actually need to do something about the way the report was put out and rushed and the consensus, also, level.

However, I have prepared a presentation that ICANN circulated later which summarizes the recommendations. And maybe I could highlight them now quickly. So, as Alan mentioned, we have 5 recommendations and 11 questions. And the report, as you all, was published on the 3rd of June, and the comment period closes, I think, on the 19th of July.

So, of course, we had two specific topics to talk about which is the differentiation between legal and natural persons data and the feasibility of unique contacts to have uniform anonymized e-mail addresses. And for that, 5 recommendations are put forward and 11 question in relation to those 5 recommendations.

You have, of course, a Google Doc that is posted, and you can start putting your comments out there on the Google Doc. If you wish to put your work through the Google Doc, you can always save it and come back to it later. If you do not want to put your comments to the Google Doc, there is a PDF file and you can e-mail it to … There's an e-mail put there that you can e-mail your public comment.

So, the first recommendation says, "No changes are recommended, at this stage, to the EPDP Phase 1 recommendation ." And the question put out to the community is, "Is there new information or input that the Phase 2A Team has not considered in assessing whether to make changes to the recommendation that registrars and registry operators may but are not obligated to differentiate between legal and natural persons?"

And I would say here that although no direct changes are made to the recommendations, however there have been a lot of discussions and we have a recommendation to change in other Phase 1 recommendations. So, there are changes, but not to this particular recommendation.

And then the Recommendation 2 says, "The EPDP Team recommends that the GNSO Council monitors developments in relation to the adoption and implementation of relevant legislative changes." And the question here to the community is, "Is this recommendation necessary for the GNSO Council in considering future policy work in this area? If yes, in what ways does this minoring assist the Council?"

So, this monitoring should assist the Council in actually in initiating an EPDP in order to finish what has not been finished here. So, we think that this work is not completed and still more needs to be achieved, at least.

Recommendation 3 is about the standardized elements. And it says, "The following additions are made to the EPDP Phase 1 recommendations, Recommendation 5." So, here's a change that is actually required to Phase 1 Recommendations. And it says, "The following optional data element (optional for the registrar to offer to the registrant) is added to the data elements table.

And the question to the community, first, is, "Should a standardized data element be available for contracted parties to use? If yes, why? If no, why not?" And, "Why is harmonization of practices beneficial or problematic?"

And actually, this is a strange question because you certainly have more chances to succeed if you have a common way of doing things rather than everybody creating their own solution. So, we have different registrars and registries, and if they all implement the RDDS the same way, they will certainly enable communication between them and transfer of data between them. So, definitely harmonization is important and it has never been problematic.

And again, this is not like the only slight change that they will need to do to the RDDS, but according to Phase 1 Recommendations, the contracted parties are going, in all cases, to do some changes to the RDDS. So, this does not add extra [inaudible].

CLAUDIA RUIZ: Hadia.

HADIA ELMINIAWI: Yeah.

CLAUDIA RUIZ: So sorry to interrupt. Can you please slow down a bit for the interpreters? Thank you.

HADIA ELMINIAWI: Okay, sorry. And the second questions to the community, "If yes, what field or fields should be used, and what possible value should be

included if different from the ones identified? Aspects of the recommendation that the EPDP Team is looking for specific input ..."

And I don't know if it's appropriate to ask the community such specific questions. So, basically, this question is asked. If this is going to be standardized, should the registrar transfer it to the registry or not? Should it be optional or not? Question of that sort, which is really technical.

"If such a standardized data element is available"—that's the third question in relation to Recommendation 3—"must a contracted party who decides to differentiate use this standardized data element or should it remain optional for how a contracted party implements this differentiation?"

So, again, this question seems a little bit illogical. So, if you actually have a standardized data element, this is because you want all contracted parties to implement the RDDS in the same way in order to harmonize the communication between them in order to facilitate the communication between them. So, if you put the standardized element and then you leave it as an option and no one actually gets to implement the standard, you lose the benefit of having a standard.

So, why did you in the first place have a standard if you are going to say you don't need to use the standard? So, to me if the contracted party wishes to differentiate and there is a standard, then by all means they need to use the standard.

And then, Recommendation 4. "The EPDP Team recommends that contracted parties who choose to differentiate based on person type

should follow the guidance below and clearly document all data processing steps."

So, the report provides a guidance as well on how to implement differentiation if a contracted party chooses, of course to differentiate. So, this is just a guidance that the contracted party who wishes to differentiate may or may not use.

And the questions associated with that are four questions. The first one is, "Does this guidance as written provide sufficient information and resources to registrars and registry operators who wish to differentiate? If not, what is missing?"

"Are there additional elements that should be included in the guidance?"

Are there legal and regulatory considerations not yet considered in this Initial report?"

"If a registrar or registry operator decides to differentiate, should this guidance become a requirement that can be enforced if not followed?" Like, should this guidance be a "must"?

And then Recommendation 5 is in relation to the anonymized e-mail address. And it says, "The EPDP Team recommends that contracted parties who choose to publish a registrant- or registration-based e-mail address in the publicly accessible RDDS should ensure appropriate safeguards for the data subject in line with relevant guidance on anonymization techniques provided by their data protection authorities and the appended legal guidance in this recommendation."

And then we have the recommendation given to us by Bird & Bird without actually quoting any part of it. And I think it's very difficult for the community to actually read the entire guidance provided. Maybe it would have been better if we could have given them at least the important parts that they need to, at a minimum, look at. And that would include a table that Bird & Bird provided which includes the risk level associated with anonymized e-mail addresses and pseudonymized e-mail addresses and the way you publish them whether through an automatic system or through an SSAD or [inaudible]. So, anyway, we actually put the whole back—the whole legal guidance [received].

And the questions, we have two. "Does this guidance, as written, provide sufficient information and resources to registrars and registry operators who wish to publish a registrant-based or registration-based e-mail address? What is missing and why?"

And then finally, we have a question that says, "Are there any other comments or issues that you would like to raise?"

So, this is basically what the public comment is about, and of course you're encouraged to put your answers in the there. And the point is, you need to be specific and the rationale needs to be clear.

So, I'll stop here and give the floor back to Olivier or Alan.

OLIVIER CRÉPIN-LEBLOND: Than you very much for taking us through this, Hadia. Apologies to everyone for being late on putting those slides up. We only just received them, but they are linked in the agenda as well. So, if anybody, whilst we

have the discussion now, wishes to have a quick browse of them, you can reload the agenda and read them.

I will give the floor now to Christopher Wilkinson and then Alan Greenberg afterwards. So, Christopher, you have the floor.

CHRISTOPHER WILKINSON: Thank you very much, again. I was just wondering whether there was a text to these recommendations, and you've just given it to us. But we don't have time tonight to read it all. I'll read it later.

A few small points. First of all, what we've heard actually confirms in my mind that it would be a major disservice to the IDN community this issue—GDPR and IDN—back to the GNSO. I think we have to declare a complete failure.

Secondly, to illustrate that point, Hadia, it is extraordinary that your group is discussing giving registries and registrars and option as to whether or not they would agree to distinguish between legal and natural persons. Come on. Wasn't that to a large extent where we came in? Alan, this is becoming absurd. And I appreciate your perseverance, but at some stage, ALAC will have to take a decision to call a stop.

And thirdly, regarding GDPR technologies, which I confess is hardly my strong point, but I have noticed that next week there will be a session on GDPR technologies while will cover the question of standardization and/or patent protection of the technologies that will govern the interactions between users, registrants, and registrars, and registries. I'll say no more. If it's allowed that Verisign, there's a case in point, can

patent the technology for the implementation of GDPR in the DNS, I just think that this is unacceptable.

20 years ago, we had a proposal on the table from Verisign to patent the implementation of IDNs which, fortunately, was rejected and abandoned by the company. We've got to draw some lines here. In this complex area of implementation of GDPR in the DNS, you cannot have patents coming in from dominant operators. No. It's totally unacceptable. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Christopher, for this. And no doubt Alan and Hadia have taken note. And Alan Greenberg is next.

ALAN GREENBERG: Thank you. I put my hand up just on one very minor point. Hadia mentioned a Google form. That's the Google form that is staff's preferred way for anyone to respond to the public comment. Typically, the ALAC will put out a public comment, a result. And, of course, anyone in their own right is welcome to putting in their own comment. But generally, the ALAC puts in one unified comment, not a lot of individual ones. [inaudible] everyone has free will to do that if they will. That's really the only point I wanted to make. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. When did you say was the deadline for this? Because it doesn't mention it in the slide.

ALAN GREENBERG: Some time in July.

OLIVIER CRÉPIN-LEBLOND: So, there's still plenty of time to [inaudible].

ALAN GREENBERG: It's 40 days plus five for the ICANN meeting, I think, and it was opened in early June.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this, Alan. Yes, I note Hadia has put 19th of July. So, I gather it's not the last time that we're seeing this, and it might be worth people going through those slides or perhaps, during our next call, you going through those slides. I'm just concerned about the time at the moment, so that's why we need to move on.

ALAN GREENBERG: If we decide that we want to invoke the GNSO PDP Rules 3.7, that's going to have to be done on a somewhat faster time frame. That's something that initially is brought up with the char, but it overall has to be done in a reasonable time frame. So, depending on discussions with other partners within the EPDP, I will certainly be bringing this back to this group as appropriate.

I may work directly with the ALAC. Or Hadia and I will work directly with the ALAC if we feel that action has to be taken on a shorter path than that. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. Are we speaking hours? Days? Weeks?

ALAN GREENBERG: Days, weeks. There's a GNSO meeting next week that will be an opportunity to raise the issue. So, we may want to make a decision prior to then.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks very much for this, Alan. I'm not sure. I don't think we can reach a decision today, but certainly let's [inaudible].

ALAN GREENBERG: All the comments I've seen positive. I haven't heard anything negative, and the ALAC formally will not take any action without the ALAC agreeing to it. So, so be it.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this. We have Owen Smigelski who has arrived already on the call. Welcome, Owen. We do have a couple of other things to do before that. We're not in that yet. We have to have, quicky, Laurin Weissinger, who has to leave at … Well, he had to leave at the top of

the hour and it was for the agenda item that was toward the end of this agenda. And that's #6, the WHOIS: User Survey – Three Years Later.

Lauren, you have three minutes, please, to take us through an update on that. And then we'll move on to the agenda for policy. Laurin Weissinger.

LAURIN WEISSINGER: Okay. Thank you, Olivier. I cannot share my screen, so I will try to do this without. So, essentially, as was sent around yesterday, M3AAWG and APWG have conducted their second WHOIS study. Oh, thank you. Now I can share my screen which I hope will speed this up a little bit.

So, M3AAWG is the Messaging, Malware, and Mobile Anti-Abuse Working Group. And APWG is the Anti-Phishing Working Group. Both are essentially industry groups that deal with cybersecurity. And these groups went out after they had done an initial survey in 2018 to ask cybersecurity professionals and other users of the WHOIS how they're currently coping with the situation.

The people behind this who analyze data are myself, Dave Piscitello, and Bill Wilson. And we obviously had a lot of input from a variety of industry professionals and advisors, both at M3AAWG and APWG. So, I'm sorry that [inaudible] WHOIS and all these issues around it.

This is a quick reminder, as you all know, that different users of the WHOIS have different needs and use cases, like how many records are accessed, what happened to records, what properties are needed for data to be actionable and useful. It really depends on who you are and what you do.

In terms of demographics, we had 277 respondents which is not like a nationally representative sample but, obviously, keep in mind that we are pulling from a relatively small population of people. So, getting 277 responses is not that terrible.

As you can see, most people are in cybersecurity, but we also have a big IP & Legal group, as well as a variety of other groups here. And rushing through this because three minutes is a touch call for this presentation, it is important to note that when it comes to how much people in the cybersecurity space use the WHOIS, only very few people actually pull large amounts of WHOIS queries. Most users, even within this particular group, are below 100 daily queries.

This is also reflected, as you can see here, with the query tool where, essentially WHOIS web queries are the most used ways of getting access to WHOIS records.

Here, we're getting into the interesting stuff which will make Alan and Hadia's work more complicated. 71% of our respondents say that due to the impact of the Temp Spec, time to mitigate exceeds acceptable threat thresholds. So, 71% are pretty unhappy. And, as you can see, very few people are unaffected, and some people reflect 21% are affected but they can still manage to deal with things within an acceptable time frame.

So, the time to mitigate exceeding acceptable threat thresholds is actually more common now than it was in 2018, which is obviously not a good sign. And as you can see on this graph, over 80% say that the time

to address online malicious activity and malicious domains has increased.

So, many use cases of WHOIS data are affected here, according to our data. Attribution is a key one with 9 out of 10 respondents reporting problems attributing [inaudible] and a lot of them considered a redaction of legal and non-EU persons to be excessive. And only slightly over 2% of this group of public security and safety people think the Temp Spec is working as is.

When it comes to actually submitting requests for disclosing redacted WHOIS data, the biggest through says it's too laborious and it's just not worth the time. But we still have people who just don't know how it works or whatever else.

Response times to disclosure requests have actually gone up from 2018, which is also not a great sign for people like this.

When it comes to the time frame, again, I'm trying to do this extremely quickly. My apologies. You can see that, essentially, for none of the groups we looked at or none of the issue spaces we looked at is 30 days acceptable. 10 days does not look much better, and here you can essentially see what people on average say is acceptable. So for spam, it's under 4 days. For malware/phishing/botnets and all law enforcement matters, it's below 3 days. The IP/Trademark/Copyrights— it's like the working weekend researchers—are happy waiting a bit longer.

So, in terms of the disclosure systems, keep in mind when this was [dealt with] this was sort of a while back because things like this take time.

61% tell us that they do not have the ability or the resources to pay should that come to be. But more of them would be happy or would accept a reasonable accreditation fee, and only 61% would accept tiered pricing. But keep in mind, this is a minority overall.

And in terms of how people feel with ICANN Compliance, because responses to disclosure requests are often not responded to at all—but it's obviously our respondents would like particularly—or they received fake data or they were asked to seek a court order. Sometimes they have tried to kind of deal with ICANN Compliance, but in general you can see that there is dissatisfaction with how ICANN Compliance is handling the complaints coming into ICANN Compliance due to inaccuracies in WHOIS data or not getting responses to their disclosure requests.

I will skip the summary because I'm already over time. I'm happy to answer any questions you might have. There will be longer presentations on this next week to the PSWG and to the BC. But I thought that you might want a first taste of this data before the meeting.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Laurin. And I'm sorry. I wasn't aware of the length of your presentation. We would have allocated more time to this had we known, but it's good to hear that there will be another chance, more interaction on this. I'm very concerned of the time at the moment, so perhaps, can we defer any questions or comments until either the ICANN meeting.

You mentioned the PSWG. I believe that's the Public Safety Working Group?

LAURIN WEISSINGER: Yes. I believe it will end up being on Monday. I don't have an exact time yet. And the BC is on Wednesday. Obviously, I'm happy to answer questions in chat so that we don't have to spend time.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Laurin. It's interesting to see this in parallel with the Expedited PDP on the gTLD Registration Data. So, no doubt Alan and Hadia will be studying this as well very much.

We need to move on, so apologies to Owen Smigelski, but we're now into the policy comment updates. And in fact, I'm going to have the baton over to Jonathan Zuck and Evin Erdoğdu.

JONATHAN ZUCK: Hey. Thanks, Olivier. Thanks, Owen, for joining the call and for waiting patiently for your time slot. It's always a challenge to figure out how best to handle guests, but we really appreciate you being a part of the call. And I really want to jump right into whatever kind of presentation or discussion you wanted to get started on this white paper. So, if I can, I'll just hand the microphone to you.

OWEN SMIGELSKI:	Sure, great. Thanks. Can you put the paper upon the screen, please. I really didn't necessarily prepare a presentation per se, but I just wanted to kind of walk through what we have and the status of that [and how it fits in] everything.

So, as you may know, the Registrar Stakeholder Group as well as the Registries Stakeholder Group both have abuse subteams. They actually get quite a bit of participate. There's probably a good 15 to 20 plus members or so that participate in this, and we've got a very broad cross-section of registrars from small to large and around the world. And then we also collaborate as well, too, with the Registries Stakeholder Group with the Contracted Party House abuse as well, too.

And part of the reason why we're doing this is to, obviously, address abuse, but also to ensure that there are some consistent model approaches that can be used. But then also to let the community know what it is that we're doing and what's ongoing.

So, there are some other papers that we've put out there such as How to Report Abuse, such as the minimum requirements that a registrar would like to see to kind of help guide people who are reporting abuse. And then this one. And we're also working on one for [incentivisation] to reduce abuse levels. And then there's this one in which there are registrant protections involved in DNS abuse mitigation.

And where this came from is not every abuse compliant is a well-founded or an actual abuse complaint. From my time working at Namecheap as well as my time at ICANN and having spoken with a

number of registrars, there are lots of different types or abuse and perception of abuse.

I know one registrar actually received an abuse complaint because somebody on their web page was using the blink HTML tag, and the person was complaining about that and wanted it removed. So, there does need to be some type of protections in there to ensure that non-culpable registrants do have a course of action so that not every complaint, necessarily, is actioned in a way … Or if it actioned, that there is the ability to appeal or do other actions in there.

So, this is focusing on the DNS abuse definition that the CPH uses—malware, botnets, phishing, pharming, and spam when it's used as a vector for other abuse. So, it's not necessarily speaking to what other groups or organizations might define as abuse. This is one that we have come up with and aligns with what ICANN has been using.

So, the first type of appeal mechanism that's built in is Evidentiary. It's very difficult for a registrar or registry to take action on an abuse complaint unless there's an actual documentation in there. This could be widely varied in that sometimes abuse may be targeting just to a specific jurisdiction.

For example, my team gets a complaint from the police in Singapore and they take a look at it and they don't see anything. When they follow up with the police in Singapore, they come back and show that when it's viewed from an IP address within Singapore, then it shows the abuse is material. So, we do need [a set type of] documentation. We were able to take action on that one because they were able to provide us with the

documentation of proof. However, just normally looking at it, it would not be present. So, you do want to provide as much evidence as possible because that will guide the registrar.

And it's also something that the registrar can rely upon. When we do have to suspend a service or suspend a domain name, that's going to anger a customer, often. And so, we do need to have that support and that backup there so that we point to it and say, "Yes. We were correct in doing that." So, that's the first thing that's built in.

And also, this can also be in there because, say, a university has their website hacked and there's some abusive material through part of it, if that evidence is provided to us, we could see, oh, we don't need to shut down the university's entire website. Then, we just need to let them know that, "Hey, this page has this. You may need to update your WordPress server" or something along those lines.

Okay. Moving down to the next one is Internal Support-based Appeals, and that is if something is suspended, the registrant or customer should have the opportunity to be able to come back and say, "No. I disagree with this," or [inaudible] question that there needs to be some type of due process mechanism in there so that somebody can challenge that. Obviously, that's not something that's always going to happen, and I've seen that people who are breaking the law and making money off of this, when you shut down their site, they get angry and they might try and appeal that.

Now, that could be used for an example where the abuse was mitigated like a flaw was fixed or there was no abusive materials or an incorrect

domain name was suspended. So, there's that thing, and that can kind of go within the internal customer service or abuse processing mechanisms that are already within the registrar as well, too. Scroll down. I guess, next page. Yep.

And then another one here is to have a type of Ombuds mechanism that's kind of an independent third party. And that can be within a registrar, but the good thing about having this is that it's a less bias approach. If it's somebody who is independent who can take a fresh look at everything there. This may not be practical for every registrar due to size and expense and everything like that, but it is one possibility that registrars can utilize.

And the last is Courts of Competent Jurisdiction. And that's more than just litigation because that can be costly and expensive. But there's also local laws and authorities they can use such as public Ombuds. I know some countries actually have that. There can also be consumer agencies or law enforcement if something is being shut down improperly. And it could be considered similar to a [inaudible] theft or something along those lines. And so, there are those mechanisms, and those can be binding as well, too.

Not all of these are things that registrars need to provide, but it's something that would be good to provide and certainly something that can, at some points, be binding upon the registrars.

So, that's just a high-level overview here of this, and I will pause and see if there are any questions.

JONATHAN ZUCK: Thanks, Owen. Do folks have questions for Owen on the paper? Some of the topics covered? And, Owen, there have been other white papers that have come out of this group. Is that right? Are these all on your site?

OWEN SMIGELSKI: This one has not yet been published. It still has to be approved by the Registrar Stakeholder Group. These things can kind of take a long time to progress. So, what we're seeing is a draft. It's an almost, almost, pretty much almost final draft—would be my thought on this. But it still is subject to being approved by the abuse team as well as the full stakeholder group. And once that occurs, then we'll put that online. We'll certainly circulate that and let people know that it's become an official paper of the Registrar Stakeholder Group.

JONATHAN ZUCK: And it's mostly meant as a kind of a best practices document. Is that the idea?

OWEN SMIGELSKI: I'm trying to stay away from using the word "best practices" because that can have a legal term and it can be a certain jurisdiction if you're not complying with best practices, it could be considered as being liable for not coming up to the industry standard. But it's just things that are showing what some registrars are doing and what can be done, and then what also is there to protect that. And it's kind of a guideline or

something to direct and let the other registrars know that this is what others are doing and what they can also consider as well, too.

JONATHAN ZUCK: Thanks. [Yueh-Fang Chen], go ahead, please.

[YEUH-FANG CHEN]:   Yes. I was just wondering whether this will be published for public comment in the future before becoming binding.

OWEN SMIGELSKI: So, it's not going to become binding or registrars. This is just a position paper about what the registrars are doing such as how to form a valid abuse complaint to submit to a registrar. That's not binding on registrars. And you're certainly free to give feedback to the registrars, but this isn't subject to public comment or review or revision by anyone outside of the Registrar Stakeholder Group.

[YEUH-FANG CHEN]:   Okay, I see. Thank you.

JONATHAN ZUCK: Siva, do you want to ask your question orally?

SIVASUBRAMANIAN MUTHASAMY: No. Just a general observation that these processes and expectations that place the onus of proof, onus of [elaborate] proof on the registrant

who is a very, very average person that requires them to document, provide proof, and all of that. That sometimes makes it necessary for them to log what is not usually logged and has expectations of expecting [inaudible] that exceed the levels of an average registrant and expects the registrant to have records to legal processes. Then it tends to dismiss the ability of the registrant to file an appeals complaint. So, it filters away abuse complaints [inaudible]. That's what I feel. Thank you.

OWEN SMIGELSKI: Thanks, Siva. Thanks for that. Let me respond quickly to it. This isn't necessarily registrants who would be filing abuse complaints. These are third parties who would file the abuse complaints. And then if, for example, it's alleged to be involved in a phishing campaign to steal bank credentials, if the registrar received that and, in general, that would be as simple as, say, a screen shot of the login page and the domain has to be verified, then the registrar will take action.

On the other end, that registrant, if for some reason that was their page, their domain name was taken down, they would receive some type of notification from the registrar and then have that option to appeal. If, say, for example their website had been hacked by somebody. There are vulnerabilities all the time [and I guess] not everybody is tech savvy on that, but if they can figure out what the problem was and resolve it, then they would have that opportunity to get their site back up online. Thanks.

JONATHAN ZUCK:
Yeah. I finally gave upon WordPress because it just felt like it was just almost indefinitely updating or out of my control to plug all the holes in it. Steinar, please go ahead.

STEINAR GRØTTERØD:
Just more like a question. I do understand the need for having some sort of standardized [input] to the registries and registrars for reporting suspicious behavior whatsoever, whether it is abuse or DNS abuse or whatsoever. But in this document, you have not referred to any of what is, in my opinion, the most common tools for abuse mitigation, the reputation block list. If you report to the reputation block list, they do actually have more technique than the average user to identify and categorize and prove the suspicious behavior.

I'm just wondering why that kind of toolbox is not being referred to at all. Thank you.

OWEN SMIGELSKI:
Well, again, this document is speaking to registrant protections. The use of block lists and things like that is outside of the scope of this document. But as an aside, I do know there are registrars, my own included, that do utilize block lists as a way to identify things out there. Block lists can be a little controversial because some of them have better reputations than others, but I do know for a fact that a good percentage of registrars do, indeed, use block list services which can result in automatic suspension for website that are identified for certain purposes.

JONATHAN ZUCK: Thanks, Owen. And, Olivier, you've got your hand up.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Jonathan. And thank you for this, Owen. Very interesting. I was wondering whether these good practices or these suggestions also cover those cases of domain takedowns through FBI or CIA action, the ones that we see as the sites being taken with very little possibility for appeals and so on. Does this apply to that as well, or is this a completely different jurisdiction?

OWEN SMIGELSKI: You know what, it's not something that I … I think we probably thought outside of that process for this. Generally, there's a little more further complication involved when it comes from law enforcement. And, again, certain things such as CSAM as well, Child Sexual Abuse Material.

That may not go through this process as well, too, just given the very sensitive nature of that or the illegality of CSAM in that sometimes we receive requests from police who don't want the person notified about it or might need to wait for a certain date or time in order to take the action as part of a sting operation.

There are certainly exceptions to that. I'm not sure that we can create a document that would cover every situation, but I would consider that those would be outside of this normal process because, obviously, you can't really appeal when the FBI comes in and takes away a domain name.

JONATHAN ZUCK: Thanks, Owen. I don't see any other hands up. Do you feel like—I guess that's a silly way of putting it. Have you come across data—I know you guys have been doing a lot of work on DNS abuse generally—on the things that go wrong from the standpoint of a registrant? Is it more often the case that it's overkill to bring down the site because it was just a portion of the site? Is it more often the case that it's that they've been hacked? In which case, is that really an exception? Isn't it their responsibility to address that as opposed to yours?

What has been, in our experience, the prevailing mistakes with respect to website takedowns?

OWEN SMIGELSKI: Yes. I can kind of speak to it generally, I think, in part from my experience at Namecheap as well as my experience at ICANN. The example I gave earlier about a university having an exploited page. That's an actual example that I saw at ICANN. Somebody was upset that a registrar did not take down a university's website because there was "abuse" on it. It just turned out that, again …

And I don't want to keep beating WordPress as the example—Sequel. They had a Sequel exploit that was unpatched and so it was the fact that the registrar or the hosting provider worked with them to get that patched and remove the vulnerability. That was sufficient enough.

So, in that situation, there could be a far greater hard by just completely taking down the entire website. Because that's really the only ability

that a registrar or a registry has, is to disrupt the DNS. We can't just turn off a web page because quite often, especially for the registries, they're not the hosts. You can't go in and disable a page or something like that.

Some of my own person sites got hacked. A couple of weird pages appeared on there and I was like, "Where did this come from?" And I reached out to my hosting provider and it turned out the somebody had hacked my credentials and placed this page on six or seven domains that I had through there. And so, they were able to do that.

And also, we did see during the whole COVID thing last year when the pandemic and the lockdowns first started happening, there was a lot of action. There wasn't necessarily an increase in abuse. In fact, we found that abuse levels stayed similar or stagnant or declined. But the type of abuse shifted. Whereas before it was tax refunds and extended car warranties and Viagra, people were pushing cheap masks and vaccines and cures and stuff like that. And so, the abuse shifted to that.

And I know one registrar actually received a request from policy to take down a site that alleged that it was using COVID or Corona. I don't recall which one. Well, it turns out it was actually a hospital's website, and so that's why we do need to that evidence and that justification, and then also take an independent look at it and confirm whether it is truly abusive or not. I hope that answered your question, Jonathan.

JONATHAN ZUCK: It does. I know that all of those examples and anecdotes exist, and I guess I was just kind of curious what the most prevalent challenge was. But that's helpful.

OWEN SMIGELSKI: Yeah. I think a lot of it is bandwidth. From Namecheap last year during 2020, our team received and processed over 1 million—yes, 1 million—abuse complaints which you've got to then take a look at it and review it. And if you don't have the information, you need to follow up. It can really do … I mean, we're certainly taking a look at this. We have obligations both under the RAA, but then also ethically to make sure that we don't have nefarious or criminal being utilized through our services.

But that's responding and following up with those, that's a very large cost operating a business, especially when, like you say, you've got to review and spend that. And potentially, you start losing revenue as well, too, if it's somebody that you've got to suspend a whole account, or you're not going to get reoccurring fees. I'm not saying that's the justification for that, but there are some significant human and time and monetary considerations with this.

JONATHAN ZUCK: Oh, sure. There was a plenary on that, and I recall it well. I guess I just mean not the [inaudible] for you, but if it's something that requires a registrant to push back and appeal, I was just trying to get at what was more often the case.

But let me not keep blocking the line. I'll let Michael Palage ask his question.

OWEN SMIGELSKI: Well, let me just real quick respond to that before Michael goes. It's not necessarily something that happens all the time. A lot of times, "Oops, we got caught," and they just move on to a different registrar.

JONATHAN ZUCK: Okay, thank you. Michael, go ahead.

MICHAEL PALAGE: Thanks, Owen, for sharing this. And I think I look forward to reading the entire white paper when it is made available.

Unfortunately, you joined a little late, but earlier in this call when we were talking about the EPDP, there was a discussion about distinguishing between natural/legal persons and allowing a registrant to make that distinction. And the reason I just wanted to ask you this question is, I was just using Namecheap's RDAP—I have some domain names registered with Namecheap—and I noticed that, I think, with the RDAP field you actually have a new field called "Kind" which I believe with, I think it's RFC 7483, allows the distinction between "individual" or "organization".

So, I guess my question is, if Namecheap is going to be a signatory to this, does Namecheap have a position on empowering registrants to make that decision? And can you perhaps share the thought of the other registrars that were involved in this? Because that is something that was discussed earlier in this call. So, hopefully, that helps.

OWEN SMIGELSKI:	I can speak briefly to it. I can't speak to Namecheap's position on that because we have not necessarily reviewed what the output is from the EPDP or had the opportunity to consider that.
	But I can speak as a Registrar Stakeholder Group representative on the EPDP Team that there is the possibility and there's that option to do that. But there again, there is concern about whether it's properly disclosed or not. The Organization field quite often has personal information in it.
	So, there are a lot of concerns and considerations out there, so it could be possible through that. But whether or not that's going to be done by a large part, I can't really speak to that.
MICHAEL PALAGE:	Thanks. I appreciate that.
JONATHAN ZUCK:	Thanks, Owen. Any other questions for Owen? Thanks so much for taking the time to join our call and giving us an overview of this. I recommend everyone take a look at the paper when it's published. And thanks for keeping the lines of communication open, Owen. Thank you.
OWEN SMIGELSKI:	Sure, yeah. And also, I just want you to know that we're aiming to get this paper published in time or during ICANN71, so if there are any overarching comments that you'd like to give us before publication, please do. Do send them along to either myself or Ashley or Zoe—I think

you have all of our contact info—so that we can review and consider as needed.

JONATHAN ZUCK: Sounds good, Owen. Thank you.

OWEN SMIGELSKI: Bye, everyone.

JONATHAN ZUCK: Bye, Owen. Evin, to you. I guess we're running thin on time here, but if you want to give you overview, that would be great.

EVIN ERDOĞDU: Sure. Thank you, Jonathan. I'll be lightening fast. We have upcoming public comment proceedings. Quite a few coming up. Just two in June, two in July, one in August, and one in September. So, they've been spread out over the next couple months. So, please check those out.

And was already discussed, two public comments. Actually, I misspoke. One public comment and then, of course, the cross-community solicitation for comment on this Draft White Paper that was just presented by Owen. The one public comment being on the initial report of the EPDP Phase 2A. Both of those have At-Large workspaces, so please check out the resources there and feel free to comment as drafts are being developed.

So with that, I'll turn it back over to you, Jonathan, unless there are any comments or feedback on those. Thank you.

JONATHAN ZUCK: Any other comments or questions? All right. I think I will pass the microphone back to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Jonathan. And just a couple more points. Earlier when Laurin had to leave, Laurin Weissinger, who spoke to us about the WHOIS user survey, I did ask him to share this survey, the results, on our mailing list. I believe he is a member of the mailing list, so you're likely to find, hopefully, you'll be able to find this in your mailbox and you can all have a good sneak peak at this before it gets properly presented next week at the ICANN meeting.

Second, I don't believe that Owen is part of the mailing list, so I wondered whether we could have an action item to have this document that is in the agenda page here also sent on the mailing list, or at least pointed to on the mailing list since, again, it's another—or should I say a worldwide exclusive? No, that's too exciting. But it's another one that we've got ahead of the meeting, and it's an interesting paper, including for those people that have missed today's call.

JONATHAN ZUCK: Evin can circulate it on the list.

OLIVIER CRÉPIN-LEBLOND: Yeah. Thanks for this, Jonathan. Evin can do that. So, we can go into Any Other Business briefly. Michael, I believe this probably is a previous hand. And if it isn't, then you may have the floor. It is a previous hand. Okay. I'm not seeing any other hands up, and that's been a really interesting call.

Now, next week, of course, we have the ICANN71 that is taking place. I don't believe that we have time to slot in a CPWG call, but the question is will we have a call the week after next week, bearing in mind that there are a few things that probably would need to be discussed quite quickly after the ICANN meeting. And I guess I'm turning over to staff for this question.

JONATHAN ZUCK: Yes, you should.

[EVIN ERDOĞDU]:   Hi, Olivier. Yes, we can hold the call the week after the ICANN meeting which would be Wednesday, the 23rd of June. And sticking with the rotation, that would make it at 13:00 UTC if everyone agrees. I'm not seeing a clash.

OLIVIER CRÉPIN-LEBLOND: Wednesday, the 23rd of June.

[EVIN ERDOĞDU]:   Yes.

OLIVIER CRÉPIN-LEBLOND: Sorry. Did I hear someone say no?

[EVIN ERDOĞDU]:   I'm not seeing a clash on the calendar at the moment.

OLIVIER CRÉPIN-LEBLOND: Okay. Well, things are quite clear after the ICANN meeting.

[EVIN ERDOĞDU]:   They're really slow, yes.

OLIVIER CRÉPIN-LEBLOND: So, Wednesday the 23rd. So, at 13:00 UTC, you mentioned, Wednesday on the 23rd of June. Thank you very much for this. Thanks to the interpreters for having remained an extra 15 minutes. And also, for the real-time text transcriber. It's always very helpful to have you, so this is really appreciated.

Jonathan, anything else to add.

JONATHAN ZUCK: I think that's it. Let's have a great meeting next week.

OLIVIER CRÉPIN-LEBLOND: Looking forward to seeing you all next week. Take care. Have a very good morning, afternoon, evening, or night. Bye-bye.

[END OF TRANSCRIPT]