ICANN71 | Virtual Policy Forum – GNSO - BC Membership Meeting
Wednesday, June 16, 2021 – 14:30 to 16:00 CEST

BRENDA BREWER: Thank you. Hello, and welcome to Business Constituency Membership Meeting at ICANN71. My name is Brenda Brewer and I am the remote participation manager for this session.

Please note that this session is being recorded and follows the ICANN Expected Standards of Behavior. During this session, questions or comments submitted in chat will only be read aloud if put in the proper format, as noted in chat. I will read questions and comments allowed during the time set by the chair of this session.

If you would like to ask your question verbally, please raise your hand using the reactions icon on the menu bar. When called upon, kindly unmute your microphone and take the floor. Please state your name for the record and speak clearly and at a reasonable pace. Mute your microphone when you are done speaking.

And with that, I will hand the floor over to Mason Cole, chair of Business Constituency. Thank you.

MASON COLE: Thank you, Brenda. Good morning, good afternoon, good evening, everyone. Good to have you on the BC call. This is an open meeting for

the BC today. And we have guests with us, so welcome to everybody as well. This is the BC meeting on 16 June 2021 during ICANN71.

Brenda has put the agenda slide up on the screen. So let me first ask if there are any additions to the agenda or changes that need to be made. All right. I see no hands.

We have 90 minutes scheduled for our meeting today and, as I mentioned, we have guests from M3AAWG with us today. They're first on the agenda, and then we'll move to item three which is our usual policy discussion. We'll have an Operations and Finance report from Lawrence, and then we'll move to AOB. With that said as context, let's dive right in.

So we have a guest with us today from M3AAWG, Severin Walker and Laurin Weissinger. You've probably read that M3AAWG and APWG have recently published a survey on WHOIS and users' experience with that. They've graciously agreed to join us to present their findings today and answer questions from BC members and guests in the meeting today. And we have 45 minutes allocated for the presentation and for Q&A. So without any further delay, gentlemen, let me turn the floor over to you, and please begin. Thank you very much for being here today.

SEVERIN WALKER: Thank you, Mason, and thank you to BC for inviting us here today. I'm Severin Walker, M3AAWG co-chair of the Board. I'm going to run through—for those of you not familiar with M3AAWG—a quick overview of our organization and our outreach efforts, some of which led to us

updating the survey and some of the other activities that are relevant to ICANN. But I'll get through that and let Laurin cover the actual survey results, which I'm sure the primary reason that many of you are here as an audience member. So with that, next slide.

For those of you who haven't heard of M3AAWG before or unaware, we were founded in 2004 as a industry association, a group of ISPs, e-mail service providers, and security researchers and vendors, to provide a kind of confidential and safe working space to start addressing the growing concerns around spam and virus, messaging traffic on the Internet at the time, technology neutral, non-political, and an open forum for our members to work. Next slide.

As of today, we have over 260 member organizations representing each continent. At our meetings, both virtual from past year and our three physical meetings per year, we average around 300 to 400 conference participants. This is where member companies send their engineers, the researchers, their management or executives, to continue discussing problems and working together to build towards solutions or best practice recommendations for the industry. Okay. Next slide.

So I mentioned best practice documents. We have a number of papers and position statements, as well as training materials that we've produced over the past 16, almost 17 years now. These are made public online for the industry sake and they represent a consensus voice on a wide range of topics from how to secure customers gateway device to publishing DMARC records in a secure fashion. And again, these are

worked out within the meetings and between meetings as a working group in a trusted circle.

We do have a Public Policy Committee. We're not a lobbying group, but they do provide technical and operational guidance to different governments and regulatory bodies. This is the group that I actually help lead the survey effort that Laurin will cover today. Next slide.

So Messaging, Malware, and Mobile, that's what the M3 stands for. And as you'll see today, that has grown to encompass all of the technologies involved in attacks against the messaging and communications platform. So everything from DNS hosting providers, we do have a group that addresses DDoS and is working on different technologies and recommendations for carriers to address large scale DDoS attacks as well. We found that our members enjoyed the loci of our meetings and the working space to address these matters and bring in more elements of their part of the industry. Next slide.

Again, I mentioned the best practice documents. Here's three here. The links are available there or on our website. But these are ones, again, that we've put out there for not just members but for the public to utilize. Next slide.

Some more examples here. Some of these were done in collaboration with other groups such as the London Action Plan with law enforcement groups for Operation Safety-Net, which is a recommendation document for ISPs, fairly comprehensive. Next slide.

So we also work with a number of other groups that you're probably familiar with such as FIRST, ISOC, the i2Coalition. And then the last three on here are fairly recent additions, LAC-AAWG in 2017, and the other two, JP-AAWG and AF-AAWG, being founded subsequently. These are not sub domains of M3AAWG or franchises of M3AAWG. These are independent groups that we have worked and consulted with to found kind of regional versions of M3AAWG regional working groups to address either regulatory or technical issues that those areas are facing when they can't send their members or participate in M3AAWG fully because of budgetary, travel, language barriers, etc. So that gets into our outreach efforts. Next slide.

I'll cover our outreach now that discusses those working groups, and this is where groups like ICANN, the NRO and others we'd like to work further with just to help promote and build collaborations across some of these different areas of the world. Next slide.

As I mentioned, M3AAWG has a presence on nearly every continent short of Antarctica there, but some more than others. The majority of our members do arrive from North American Europe. But even since the founding, we've had sizable Asian participation, Australian, and some South American as well. Next slide.

So that's why we've helped work with some of these local groups or local nonprofits within the industry to help establish working groups that their local members and their local engineers can start working within, either physically or virtually, over the past couple of years. So I'll cover each one of these real quick individually. Next slide.

LAC-AAWG, as I mentioned, founded in 2017 through work with LACNIC and they host discussions, working sessions during LACNIC meetings over the past couple of years. We've worked with them to publish documents jointly, as well as work to get translation services back and forth. But this has been great. The first meeting of LAC-AAWG had 26 different representatives from various CERTs, ISPs, and other service providers within the Latin American Caribbean region, and that's grown from there. So these don't necessarily overlap membership with M3AAWG, they do have their own constituency, but we're able to exchange things like training resources and, like I mentioned, translation services because of that. Next slide.

JP- AAWG was founded in association with a number of our existing Japanese members who've been went and sought support and funding from other regional Japan technology firms and work with the Ministry of Internal Affairs and communications, kind of the Japanese version of the FCC, so to speak. They primarily founded it to help improve SMS and e-mail communications, hoping to better secure their networks prior to the Olympics, being a large milestone on their part. But what they found is that they'll have multiple meetings, virtual or physical, within Tokyo a year and they're addressing many issues that are very unique to the Japanese culture and the Japanese technical industry there, so it's been interesting to watch that grow. All right. Next slide.

Unfortunately, [rap] on the label there, I notice on the slide. So AF-AAWG, that was just founded in the first quarter of this year. We've been working with members of AfricaCERT to gain some nonprofit collaboration in the area. So through groups like AfricaCERT and the

African Internet Summit, we've provided some training, both physically and virtually, over the past couple years. And so this year, we're building on that training, providing a number of virtual presentations and workshops to the region. Hopefully, once travel and physical conferences and physical presence education gets back to normal, we'll be able to share resources once again within the region there as well. But I'm very hopeful as to the direction that this is heading. Next slide.

Finally, very relevant to ICANN, our new Names and Numbers Committee. So we've had a DNS Abuse SIG for a number of years now that's addressed identifier system abuse or best practice recommendations for securing DNS platforms that things like communications platforms rely on. But now we've kind of expanded that in league with the outreach efforts, as well as to provide a loci for some of the discussions like we'll have here today concerning policy and practice within the Names and Numbers Committee.

Carlos Alvarez, who has a very heavy presence in M3AAWG and does a lot of great work with us, I see him in the participants list here; Carel Bitter from Spamhaus; and Leslie Nobile from NRO and ARIN, who joined within the past year. They're all starting to do some great work, had some great conversations last week at our most recent meeting. Rod Rasmussen is the expert advisor there. And they've already started planning some work on best practice, recommendations, and content for our upcoming meeting in October.

So if you're interested, your organization is not already a member, please feel free to reach out to myself. We can see about guest passes. But, in general, if you're more interested about this work and want to get involved, again it's a trusted circle of participants that are able to address anti-abuse matters and share information on methods and ways of addressing some of this different criminal activity. So if you're interested, feel free to reach out.

So next meeting is in October. But like said, a lot of work happens between now and then. These committees will have their calls to update on the work or to continue collaborating between the meetings. So very hopeful again about how this is turning out. Next slide.

Again, you can reach me first name underscore last @comcast.com. If you have any questions, you can also contact us through the m3aawg.org website. But yeah, feel free to reach out, get involved, or just prompt us with any kind of questions as far as other areas of interest that you think our members should potentially focus on that we're not already. And with that, I will turn it over to Laurin for a review of the most recent survey results. Thank you.

LAURIN WEISSINGER: Thank you, Severin. Brenda, if you could go to the next slide. And the next slide. So this is about the WHOIS study. The principal investigators are myself, Dave Piscitello from Interisle, and Bill Wilson who is a senior advisor to M3AAWG. Next slide, please.

So I think the background I can summarize in essentially one sentence because of the audience. We have here WHOIS services provide access to data on registered assignees of domains, and obviously about Internet resources in 2018, like the Temp Spec came into force and a lot of data were redacted. There was an initial survey in 2018 by M3AAWG and APWG, which Severin already mentioned, to see how this impacts on the security and public safety communities. Next slide, please.

And where this is possible, we will be comparing the numbers from 2018 to 2021. So we did a second survey this year and we really wanted to figure out how the Temp Spec impacts right now. And this presentation focuses on the challenges respondents continue to face and this is something I want you to keep in mind. This is a report on a survey. So the outcomes of this, there are various ways policy could deal with this. It's not something we're focusing right now. We're focusing on what our respondents tell us.

So the questions were prepared by M3AAWG members and the Board of Directors and inspired by the 2018 survey. Just as a note, all the graphs obviously have some kind of N/A or does not apply. These have been removed for this presentation. Please look at the full report for more detail, which is recommended anyway.

And we had 277 respondents recruited via various e-mail lists that kind of focus on security community. Keep in mind we're not looking at a kind of nationally representative sample here but a relatively small group of users. So 277 is actually a really good sample size for what we're looking at. Next slide, please.

As another quick note, again people in this room know different users of WHOIS, different kind of requesters have different needs and use cases. So, for example, how many records are being accessed, what is being done with these records, what kind of properties are needed for data to be actionable or useful, and how quickly are these data required. There's, for example, a difference between if you are trying to do some data analysis here or if you're interested in a specific record because you're an investigator. Next slide, please.

First of all, some notes on who is responding to our survey in comparison to 2018. As you can see, apart from two, it is—I'll just call it [inaudible] but you can see that we're seeing far more IP and legal professionals from 9.6% up to 25.4%, and the cyber security professionals have gone down 59% to 40.2%.

I'll respond to Reg's question right now. I'm just seeing it in chat. Not all members of M3AAWG are relevant users of the WHOIS. Obviously, it is not possible to determine exactly how many relevant users there are within the cybersecurity and law enforcement or public safety niche, and that is not like a general limitation, if you will. It's literally impossible to do so because just how the world is and how visibility difference between different individuals, nevertheless. It is still not a too bad number to deal with here, considering the kind of niche we're in. Next slide, please.

We obviously asked people if the Temp Spec has affected their use of WHOIS data. And in 2018, we see that nearly 50% said they decreased

their query volume with slightly over 30, so it's the same. Some ceased usage and a smaller number even increased query volume.

If you look at 2021, we made a small change here and we kind of broke this up into registrant information, stuff like e-mail addresses, names, and so on, and the technical data that are still available. And unsurprisingly, you can see that people are using technical data. There you see just more people who have the same query volume and then fewer who have decreased or stopped using it. Next slide, please.

So what's really important to note here is that even within our particular sample—so again we're talking to a relatively limited group of users and individuals here. Even then, only 1 out of 10 here makes more than 10,000 queries per day. So there are very few bulk users. More than two-thirds of the respondents are below to 100 daily queries.

Now we can obviously talk about the case. There's already bulk compared to the general population and here the answer would be yes. As I've said before, beyond the mere numbers, what requests are for, and how these records are used, this is obviously variable. Next slide, please.

These numbers are reflected in how people are accessing the WHOIS. As you can see, the biggest group uses WHOIS web queries at nearly 37%, followed by a variety of our tools like the Port 43 at 21%, internally developed tools and commercial query tools with only just about 6% using RDAP. Next slide, please. While this is changing, for RDAP we have more information in the report. So again, this is just some of the stuff that we have available.

What is the effect on Temporary Specification on WHOIS as reported by our respondents? So nearly 71% are unhappy, saying that the time to mitigate now that the WHOIS data are being redacted means that they cannot mitigate within an acceptable threshold. 21% say, "We are affected but we are within what is acceptable to us." Less than 10% overall are unaffected. So that means they never use the data, they have alternative data they can use or changed their methodology. Next slide, please.

What is interesting is that time to mitigation exceeding acceptable threat thresholds was at 65.6% in 2018, and now we're up to nearly 71%. So this has actually gotten worse according to the reports. Next slide, please.

The effect on the Temp Spec supported on addressing malicious activity online and malicious domains has increased according to over 80% of the respondents. So that is a considerable number, particularly if we remove the ones who say, "Look, we cannot actually determine since we don't have the visibility here." Next slide, please.

So just some quick summary points. Only a quarter of respondents in a different question said they were able to find alternative data sources. Obviously, finding alternative data sources does not mean that they work as well almost as before. Attribution and, surprisingly, rate is very much impaired with a 9 out of 10 respondents reporting problems on that front. Over 50% consider the redaction of legal and non-EU persons to be excessive, and only just about 2% think the Temp Spec is working. Next slide, please.

Obviously, one of the ways to deal with all of this is to send in disclosure requests. And here we see that 34.4—so this is the largest group—say it is too laborious for them and not worth the effort. For just under 24%, they're doing it. And then you can see there's a variety of other options here. Some people were not aware this was available, some didn't know how to do it. For some, it's just not part of the use case and some just reported they're not doing this at all. So let's go to the next slide, please.

If we're looking at response times—and this is obviously about requests of disclosure being submitted—you can see that the wait times have gotten longer. 36% reported that they had to wait longer than seven days, a full week, in 2018, now it is over 60%. And the within 24 hours, on the other hand, you can see it has gone down 2021. Next slide, please.

So we asked our respondents as well if the timeframe of 30 days for a response is acceptable. As you can see, essentially the overwhelming answer here is no. So this is particularly the case for botnet command and control, for law enforcement, malware, phishing, and spam. Researchers see less of a problem overall, and IP trademark and copyright are also less concerned than some of the operational issue areas. Next slide, please.

So now we're looking at 10 days, so accelerated. It's much better here. And you can see a similar pattern where IP trademark and copyright are generally more happy to wait longer, as well as spam, while things like phishing, malware, law enforcement matters, and botnet command

and control, you can see here still underlining this need to trust. Next slide, please.

We obviously also ask them what would they consider acceptable, workable, appropriate for what they're doing. So this is not asking them, "Oh, what would you like?" but rather "What would work?" So just to make that distinction because that question came up.

As you can see here for malware, phishing, botnet command and control, and law enforcement matters were below three days, for spam were below four, IP and trademark are ranging in five point something, so below six days, and researchers are okay with like nine to ten days response time. Next slide, please.

The next problem our respondents report is that when they submit these requests that the responses are inconsistent. So not only is it unclear when you're getting a response, but also the reports indicate that the majority of requests are just kind of not acknowledged, they might be denied without explanation, or answer with fake or otherwise non-actionable data. These are obviously the issue cases. What's not listed is obviously you sometimes also get the response and it is actionable, even though according to our records that is in a minority of cases, and in some cases there's also the request for an appropriate court order or authorization. Next slide.

So we also asked a little bit about disclosure systems under ICANN consideration. For this, please keep in mind that the survey was filled out a few months ago so this is obviously not kind of the newest stuff

that has been happening. It takes a while to fill the survey and to analyze it, obviously.

When it comes to a paid system, 61% of our respondents tell us that they do not have the ability or the resources to pay, so obviously one has to do with can you afford it? The other one is, are you a legal organization able to pay for something like this? Many respondents, there are text comments in the survey, which sometimes I'm talking to and told us that they just do not see this as an appropriate approach that essentially on their end that they have to pay to get this information to what they do. Of the 39 who indicated they are able to pay fees, close to 80% would pay a reasonable accreditation fee. That's an overall 30%. And slightly over 60% would accept tiered or per volume pricing. Overall, that's 24%. Next slide, please.

Last but not least, we check in regarding how our respondents fare when dealing with ICANN Compliance, in particular when it comes to disclosure-related complaints and not in general. Here we can see that very dissatisfied with 41% and somewhat dissatisfied with 35.9% are two big groups here. So, in general, there seems to be quite a bit of unhappiness when it comes to ICANN Compliance's handling of disclosure-related complaints. Next slide, please.

So what are we taking away from this data? What is it that our respondents said? Well, they want access to relevant data. Obviously, at the same time, protection for natural persons' privacy needs to be ensured somehow. The survey responses also indicate that the solutions currently discussed at ICANN would not meet the demand,

the needs of law enforcement and cybersecurity actors. Respondents want some functional system for registrant data access for some form of accredited parties. It has to be workable in terms of time delays and administrative burden. And, obviously, again there should be some way to have controls here for privacy and security.

Last but not least, as you've seen usage profiles, if you will, are pretty different. So whatever system there will be should accommodate those who make relatively few requests, but also those who kind of do some data driven approaches. That is again something we can see from the kind of comments we have received from our respondents. Next slide, please.

So to quickly summarize the survey, we see that according to our records, the post Temp Spec WHOIS increases the time it takes to address various types of abuse. Timeliness of access is a challenge according to the data. And the other problem which also mentioned is that there is a lack of uniformity across the registrars. So it hinders investigations according to our respondents that they just send a request then they don't know how long it will take. Often it takes a long time, and then they don't know what they're getting back—if they're getting anything at all, if they're getting something actionable, something non-actionable, etc. So this means the formal request system to access redacted data fails regularly from the point of view that our respondents are taking here, because requests that are routinely ignored, denied, or just not responded to. The ICANN Compliance process is described as lengthy and inefficient, and

essentially not really useful to deal with disclosure-related issues. Next slide, please.

As I mentioned before—and to answer Reg Levy's question in the chat right away—this presentation was about the data, reporting on what respondents told us. We will be looking into the policy issues and potential solutions in the coming months. We'll be leveraging the diverse M3AAWG membership, not all of whom are obviously users of the WHOIS. Just to come back to the numbers questions in the beginning, not every M3AAWG member is also a WHOIS user because the membership is pretty diverse. But we do have a lot of people with really deep experience and expertise and a breadth of this expertise, because we do have people there who send, who receive, and so on and so on. Next slide, please. I shall be ending on that one.

Please contact us under this e-mail address here if you have any questions or ideas. Thank you very much.

MASON COLE: Thank you, Laurin. Thank you, Severin. Very informative presentation. Thank you for taking the time to be with us today. We have a few minutes available for questions and what I think we're going to do is— Brenda has been keeping track of the questions logged in chat. She's going to go through those. And if we have some time after that, then we'll open the floor. So, Brenda, would you mind with a couple of questions to begin, please?

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BRENDA BREWER: Yes. Thank you, Mason. Our first question is from Steve DelBianco. The question is, "Are messaging, malware, or mobile frequently used as vectors for ransomware attacks?"

SEVERIN WALKER: I'll take that one real quick. Either the call to action URL or the attachment containing the launcher for the ransomware is really frequently, if not almost primarily, transmitted over mobile or e-mail communications. A number of our security vendor members or security researchers have given presentations on detection, kind of bleeding edge technology methods or even rehashing older methods and detecting malware transmission that they've shared with the rest of the membership, including their own competitors but in the interest of the industry gaining traction on what's become kind of the primary concern along with account compromise for the cybersecurity industry.

BRENDA BREWER: The next question is from Tim Smith. "How much presence and/or members in Canada?"

SEVERIN WALKER: I don't have numbers right off the top of my head, but we do have a fairly significant amount of Canadian membership from the hosting mail and e-mail service provider parts of the industry, enough that we do frequently hold our fall North American meetings in a Canadian location. We were supposed to be in Toronto just last year.

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BRENDA BREWER:	Thank you. And the next question from Reg Levy of Tucows, "With more than 4000 members, 277 respondents is just under 7% of your membership. What methodology was used to assure that this sample was representative?"

LAURIN WEISSINGER:	I think I did address this before already so I'll do a quick one. Not all M3AAWG members are WHOIS users. Again, this is something that cannot be perfectly determined. However, we have ensured that an appropriate reach of the relevant security communities was achieved. I cannot comment exactly on how this work. I'm not sure how many of these avenues have consented to be made.

BRENDA BREWER:	Thank you, Laurin. We do have another question from Reg Levy. "What does working mean in this case?" I'm sorry I don't know where he's referencing that.

MASON COLE:	No, that's okay. Reg is typing in the chat, "Is the Temp Spec working?"

LAURIN WEISSINGER:	Essentially, here the question is if the Temp Spec in their eyes is producing functional results. So it doesn't necessarily mean that it is

completely issue-free, but it means can you deal with the situation? I think that would be a good way to kind of work just slightly differently.

BRENDA BREWER: Thank you, Laurin. The next question is from Luc Seufer of Namespace. The question is, "Not sure I understand the correlation between WHOIS disclosure and malicious domain name suspension. Could you expand on that?"

LAURIN WEISSINGER: So if we could go—oh God. Brenda, I'm not sure if this is possible. Can you go back to the relevant slide? It's the one with the two long 80% bars. So essentially, if you don't have data available—and I'm sure Severin might be able to pop in here as well—the harder it gets to deal with ongoing investigations. The more information you have, the easier it is for you to deal with things, think about stuff like bulk registration where data were used to figure this stuff out in the past and so on.

SEVERIN WALKER: Yeah.

LAURIN WEISSINGER: Go ahead. Sorry.

SEVERIN WALKER: No problem. I'll just add to that. Aside from registrar info and finding out who to contact directly from that, a lot of the other fields and

information provided in the older version of WHOIS was used to turn through and correlate attacks across registrars and trace ownership and other factors to try and get ahead of potential use of new domains or zero-day registration domains.

BRENDA BREWER: Thank you. And we're moving on to the next question from Reg Levy from Tucows, "How does M3AAWG propose to allow access to relevant data while also protecting natural persons' privacy?"

LAURIN WEISSINGER: This one again I spoke to later on the presentation. As I said that this was the report about survey, about reporting data. We are having a work group in the coming months to work on the policy questions and we'll be coming back to ICANN with that in the future. So this is just a slightly different topic but it will be coming.

BRENDA BREWER: Thank you. The next question from Michelle Neylon, Blacknight, "Why didn't M3AAWG look into working with the law plus the policies before now?"

SEVERIN WALKER: I'll take that. And Laurin may know a little more about the intricacies of the history or maybe there's other people on that too. But from a high level, we've published commentary in the past when things were being proposed, we do have a number of liaisons and membership overlap

within ICANN, within regulatory bodies. Our keynote speaker last week was Senator from Ireland who works with the EU on GDPR, both enforcement and potential modifications to it for the technology industry. So there is a lot of collaboration and work that kind of led up to it that may or may not have had as much impact as some of our members would have liked, but we continue to work with the relevant organizations to try and make sure that there is an industry voice or a kind of boots on the ground voice when it comes to moving forward with this.

BRENDA BREWER: Thank you. Those are all the verbal questions in the chat. I'll turn it back over to Mason if we have time for people to raise their hands. Thank you.

MASON COLE: Thank you, Brenda, and thanks for running through those questions. Lots of good questions from guests of the BC today. Let me open the floor. I'll take a queue for questions that would like to be asked if BC members or others have questions, then please raise your hand and I will call on you. Ashley, go ahead, please.

ASHLEY HEINEMAN: Hey there. Ashley Heineman here, chair of the Registrar Stakeholder Group and GoDaddy. I apologize for jumping in on a BC queue, but I did I did pause for a moment. But thank you for the opportunity to chime in.

I just wanted to note that, really, we're not surprised at all by the concerns and by the frustration experienced in not being able to access WHOIS registration information like people were able to prior to GDPR. I think what is sometimes missed in a lot of this narrative is we were confronted with a legislation that we had to comply with, and I think it'd be helpful to kind of take that into context and why I think the focus here on concerns over timing is helpful to explore. I think we're trying to make best efforts to make this an easier process where we can and trying to improve upon it. I think it would be helpful to focus on how to fix the problems, perhaps more than just focusing on it when it being a problem. Because I think not being able to access information like we did in the past is, of course, going to be viewed as difficult because it is. It is.

But anyway, I wanted to thank you for the presentation and hopefully we can work one actually improving the concerns about working within the system as required now by the legislation. So thanks a lot for that and looking forward to continue working with you guys.

LAURIN WEISSINGER: Hi, Ashley. I just wanted to quickly respond. I agree. Obviously, this was about "Okay, what did the data say?" As I mentioned, we're looking into this further and obviously just saying, "Okay. There is there is unhappiness. Tell us that this is true." This is what people say, but it obviously doesn't necessarily resolve issues.

For example, like your comment in chat, obviously when requests are not filled in properly, that also means that on your end it would be

difficult to respond, but then also kind of shows that there are policy questions to resolve here and try to figure out how, for example, consistency can be improved and that would likely benefit with that.

SEVERIN WALKER: And just to add to that. The general reason for bringing this here, we wanted to open up the dialogue, but it is kind of a function of our outreach within the industry. It's not M3AAWG saying, "Here's what we don't like. Please deal with it. We are generally trying to gain more collaborators and gain a wider set of voices," so that when people start implementing either recommendations or technology, it's done in a fashion that as many people have had to say and is as agreeable with your operation as possible. So things like input data and getting the request. That's exactly the type of thing that we would want to work with you, other companies, registrars, etc. on and continue opening that dialogue even further.

MASON COLE: Thanks, Ashley, for the question. Anyone else would like to join the queue, please? Steve DelBianco?

STEVE DELBIANCO: Thanks for the presentation. I'd be interested to know where you think your information and recommendations could be useful to GNSO's policy development or implementation steps? And it may be that new policy is too difficult to accomplish, but we are in the middle of implementing previous EPDP recommendations. And with the

contracted parties having asked a lot of questions on the phone, I think that reveals a genuine interest and understanding how does one make a system that's fit for purpose, how do they improve their response so they actually satisfy the demand. SSAD, at least on paper, look like it wasn't worth the trouble so the BC declined to support that idea. But perhaps some of your survey responses would indicate surgical improvements that could be made. So I am all for you sharing your information far and wide, even with the Implementation teams. So it's not about policy but it's about the process we use to actually deliver the information. Thanks for your work on this.

LAURIN WEISSINGER: Thank you, Steve. As I said, we're looking into this topic and we will be looking into this topic over the next few months. And bringing together different perspectives will be key here and we will try this obviously within M3AAWG and we'll surely be open and looking into options to even see what's going on beyond the membership, if that makes sense. We do have some members who are in this space so we're hoping to also talk to them and get their points of view in. And we're hoping that by focusing on the practical aspects of this, we might be able to provide some input during the next ICANN meeting on what could be done and what would be useful. Over to Severin in case he has more.

SEVERIN WALKER: No. That's a good summarizing. As I mentioned, we do have a number of participants either working directly for ICANN or our liaisons between the two groups and with the Names and Numbers Committee, that's

just going to continue to grow. So we look forward to the collaboration, the opportunity to work within the confines that we're all given here and try to get the best solution possible out the door or iteratively developed here.

MASON COLE:	All right. Thank you, Steve, for the question. Anyone else for the queue, please? All right. I don't see any further hands in the chat. It looks clear.

All right, Severin and Laurin, thank you very much for joining us today. It looks like from the chat there are lots of opportunities for you to collaborate with us further and also with registrars and registries going forward. It looks like we have a lot of common work coming down the road for us. Again, on behalf of the BC, thank you for making time for all of us today and sharing your findings.

SEVERIN WALKER:	Thank you.

MASON COLE:	All right. You gentlemen are of course welcome to stay for the rest of the meeting. But again, thanks. For everybody, we're going to move forward with the agenda here. All right, so we are now on item number three, which is our policy discussion. Steve, the floor is yours, please.

STEVE DELBIANCO:	Thank you, Mason. I'll put up the Policy Calendar right now. I circulated it yesterday, if any BC members didn't receive it, just let us know. Is that visible now?
MASON COLE:	It's a little small.
STEVE DELBIANCO:	I'll make it larger. Thank you. Better?
MASON COLE:	Yeah. That's better. Thanks, Steve.
STEVE DELBIANCO:	Thank you, Mason. Hey, everyone, and welcome to all the guests to the BC meeting. What we typically do, for those that are new or observers to the BC, is prior to our bi-weekly meetings, we circulate what we call a Policy Calendar where we describe things that we've just posted, but then get into the recruitment of volunteer and discussion of open public comment opportunities, and then review what is in front of GNSO Council as well as what is in front of the Commercial Stakeholders Group or CSG. That gives us the ability to contextualize member input, volunteer involvement, and answering questions.
	So the first thing I noticed that since the last BC meeting we have filed a comment, it was with the BC statement we updated on the NIS2 Directive. And this is a BC position that we publicized transparently and

that we share in BC member outreach with members of the European Parliament and the European Commission with respect to their efforts to clarify what we believe was overinterpretation of GDPR about ICANN Org and their implementation of the Temp Spec.

Public comments coming up. We have two open right now. The first is a draft engagement plan by ICANN Org where they come up with regionally-based five-year plans on how to improve ICANN's awareness, ICANN's engagement in different regions on the world. We usually comment on these. I don't think we ever missed one.

The current draft plan is for North America. It's only seven pages long and provides a good opportunity for BC members to get involved. Now, I want to thank John Berard and Tim Smith for coming up with the draft, which was shared with yesterday's Policy Calendar, and I have it on the screen right now. You'll see it's only two pages long, our response, but it does include the BC raising concerns that would stand in the way of North American newcomers to get engaged at ICANN. One might be the realization that Business Community engagement at ICANN can run into a lot of resistance from the contracted parties balanced role in GNSO, that new participants need to be educated about how their expertise can be brought in in a meaningful way.

And then there are some recommendations that John and Tim came up with. I think it's a strong comment but it would be even stronger if we got a few BC members to review this prior to the due date. And the due date on this one is by July 2. So please get comments within the BC list

by July 1. Are there any questions or comments? Tim or John, did you want to add anything?

TIM SMITH:

Hi. I think the comments speak for themselves at this point. Well, I will say that I felt that the proposal from ICANN Org was just not very detailed and wasn't very specific about how they plan to do any kind of outreach to people who aren't currently involved. And, of course, as we all know, most people within business are not involved in ICANN and across other stakeholder groups as well. So it's an opportunity for them to be more strategic in who they approach. Thank you.

STEVE DELBIANCO:

Thanks, Tim. Any other comments or questions from BC members? Great. I'll go back to the Policy Calendar now. Thanks again, Tim and John.

The second open public comment period is one that's absolutely critical to the Business Constituency. As you all know, going on three and a half years, we've been very engaged on the expedited PDP for how to adjust WHOIS to the new reality of GDPR. And the latest incarnation of that was a very fast tracked process called the EPDP Phase 2A.

That concluded sort of abruptly in the last two weeks and an initial report was published, and comments closed on July 19. That gives us in the BC plenty of time to draft a comment, to discuss it among the BC members, and then submit. But also there's plenty of time for BC

members to engage their own organizations, the businesses where you work, trade associations where you participate, to be sure that they weigh in on the five questions that are posed in the comment.

Now, this is one of those public comments where you respond to a form that has places to put questions. But I do know that if you want to do footnotes, attachments and the like, that staff will accept those, but we also need to fill out the form here.

I'm looking today maybe to see if we have early indications of BC members that would be interested in volunteering to help draft the BC reply, and I did want to indicate that Mark Svancarek, Margie Milam, Alex Deacon, Brian King, myself, are very active on EPDP and we'll be able to provide previously stated positions that we've given within the EPDP and they can form the basis of what we submit. As usual, I'll coordinate the submission of the final form but it's time to get volunteers on board who want to contribute to that input. So looking at the BC chat or the list for volunteers who want to indicate early. I know that I can count on Margie, Mark, Brian, and Alex, but it would be good to get some other BC members who can help with this as well. Again, thank you, Margie. I appreciate that. Okay. Thank you.

There's not any other public comments open that I had flagged for the BC but I did want to flag that, as I mentioned earlier, the BC has a transparent position statement on the NIS2 and we are doing our best to share it with European Parliament and European Commission and Council members that are in a position to help create amendments to NIS2, enact it, and then to transpose it.

All right. The next stop is what we call Channel 2. This is the Council itself. So for this, we would look to our councilors, Marie Pattullo and Mark Datysgeld to walk through the Council meeting that just happened, as well as implications that might have for BC policy. So, Marie, I'll turn it over to you. Just told me how to scroll the screen to suit your purposes.

MARIE PATTULLO: Thanks, Steve. Welcome to everybody, BC or not BC. And on behalf of Europe, welcome to the European Time Zone, where some of us are happy and most of you are not.

As Steve said, we've just finished the Council meeting. The last one was a month ago. The next will be a month from now. For the purposes of the BC, I'll concentrate only on the parts that are of the most interest to us.

You will see that Steve has already highlighted accuracy. Now, not an awful lot happened today at Council but there has been a fair amount of correspondence in the small team. So that's a group of the councilors who are working towards putting together instructions for a Scoping Team that will go and look at the issues of accuracy.

Now, I was particularly pleased to see, read, and hear over the last couple of days that the GAC is just as supportive of starting this as soon as possible as we are. We have, I think, from my perspective, managed to get a lot closer on what we think this team should be doing and looking at. Naturally, we don't necessarily agree with everybody, but I

think we are getting closer. And I still really, really, really, really, really hope that we can actually get this started as soon as possible, as in at the next Council a month from now.

The status report on the EPDP, they were just status reports. There was no discussion. If you want to know anything further about that, of course, we've got Mark and Margie on the call with us who know far more than any human ever needs or wants to know about the EPDP. We had a long, long discussion about how we, as the Council, interact with the GAC. Now, this was under the guise of is the current liaison between the Council and the Government Advisory Committee doing a good job? The answer to that is yes, but we are conscious that quite a lot of what was actually potentially intended by this is there are some parts of the Council who don't really want to work that closely with the governments. And I want to make it very clear that the BC thinks we should be working very closely with the governments. Apart from anything else, it's logical. If you get them involved right at the beginning, you have far fewer hurdles to try to jump over way down the line in implementation. So that is something we will continue to support.

Another thing that was not on the agenda today but for your info, you know that we had a working session on Monday. I've already sent you the notes from that. There was an 11th hour request from our contracted party colleagues that we also discuss abuse at that session. Council leadership, I think, quite rightly said, "No, we need a dedicated session on this." So they are looking to set up a dedicated session on abuse, which of course I will let you all know about as soon as I know about it.

I'm conscious of time, Steve. I'm going to stop there but happy to take any questions.

STEVE DELBIANCO: Any BC members have questions for our councilors? All right. Good. Not seeing any hands. Marie, anything else you wanted to walk through?

MARIE PATTULLO: I don't think so, Steve, unless you think I've missed anything.

STEVE DELBIANCO: Not at all. Okay. Thank you very much, Marie. Next up, what we review is called Channel 3, which is our Commercial Stakeholders Group participation.

For newcomers watching the BC, the Commercial Stakeholders Group is merely a label. It's a label given to three very distinct GNSO constituencies, the Business Constituency, the Internet Service Providers and Connectivity Providers, the ISP Constituency, and the Intellectual Property Interests Constituencies. That's three constituencies that back in 2009, during a restructuring of GNSO, they were labeled as the Commercial Stakeholders Group because they'll have commercial origins, commercial interests. But we don't have a singular structure, we don't have a singular position, yet we do appoint a liaison.

Waudo Siganga is our liaison and Waudo interacts with the other CSG participants. And I think that coordination enables us to be more

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cohesive and have a louder voice when we do speak. But again, it's not a single voice, it's not an entity, it's just a label. With that preface, Waudo, I'll turn it over to you.

WAUDO SIGANGA: Thank you, Steve. My name is Waudo Siganga. I'm the BC liaison to the CSG. I would also like to take this opportunity to extend a welcome to our BC guests. I apologize, I don't have a video because I'm in a place where the network is not so good so you just have to bear with me with the audio.

The first thing that I would like to mention is that the CSG has recently adopted a different work methodology, whereby we identify short- and medium-term consensus priority issues as a basis for organizing our meetings with various stakeholders. Having the priority items in place as a first step enables us to identify the stakeholders to engage with and what we should discuss with them.

So at the moment, the initial priority issues that we have identified are DNS abuse, accuracy of WHOIS data, the ATRT3 recommendations, including the planned holistic review, and recommendations that have not been implemented from past reviews. This consensus priority issues have been the basis for recent ICANN71-related CSG meetings and discussions including the membership meeting held on the 24th of May, the CSG meeting with GNSO appointed and affiliated members on the 26th of May, and the recently held CSG meeting with the GAC Public Safety Working Group on the 9th of June.

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Of the issues, the BC has been spearheading the issue of DNS abuse, which also resonates with the focus within the constituency itself where a working group has been formed to address this issue. In the initial stages of the discussions, the focus in the CSG has been on establishing a working definition of DNS abuse. Currently, there is no universally accepted or consensus definition of DNS abuse. The Contracted Parties House, the DNS Institute have adopted a definition that recognizes DNS abuse as malware, botnets, phishing, pharming, and spam where it serves as a delivery mechanism for the other forms of DNS abuse. The proponents of these definitions claim that this is what is actionable.

The BC on the other hand provides a wider and more flexible definition based on the 2010 Registration Abuse Policies Working Group Final Report which states that "Abuse is any action that causes action and substantial harm or is a material predicate of such harm and/or is illegal or illegitimate or is otherwise considered contrary for the intention and design of a stated legitimate purpose if such purpose is disclosed."

Those who do not support this alternate definition that is driven by the BC say that it is from a working group report and that was not approved by the GNSO Council for the ICANN Board and is therefore not consensus definition.

My hope as we continue discussing this issue in the CSG is that we shall quickly move out to the definition issues and formulate some specific proposals that different stakeholders can be given or can be proposed to mitigate DNS abuse. The CSG had a previous meeting with the ICANN Board and the Board indicated they'll be very eager to consider specific

proposals or recommendations that are actionable and within the remit of ICANN or its component as stakeholders.

Once we put together a slate of specific proposals and recommendations, this can become the short-term priority issues since DNS abusers and all-encompassing concepts has been with us for a long time and is likely to be with us for much longer, given the fact that its nature is constantly changing. DNS abuse as an all-encompassing term may not be appropriate as a short-term issue but the specific proposals may be more appropriate with time as we conceive them.

It is also important to mention here, I think Steve mentioned earlier, that since the CSG is formed from three disparate constituencies, it is not always the case that there will be agreement on the specifics of the priority issues. A good example of this is a proposal by the BC that the next round of gTLDs be pended until DNS abuse has been reduced to an acceptable level.

This proposal is strongly resisted by the Contracted Parties House. In such instances where the three different constituencies are not in agreement, we normally make it clear to the stakeholders that we engage with that such differences exist within the group.

If I can just talk quickly about the issue of holistic review and ATRT3 recommendations. The CSG is still in the early stages of engagement with the Board and other stakeholders. To date, it's still not clear what form the community involvement will be in the processes of the holistic review, including the pilot. But once we have better information from

our future interactions with the Board, we'll share them with both our members and the rest of the community.

The next meeting of CSG will be, as I earlier mentioned, on the 21st of June. During that meeting with the Board, we'll introduce a new topic called the Consensus Priority List which will be IDNs. This is because there's an understanding that the next round of new TLDs will focus on the multilingual Internet.

So that's my report for now, Steve, unless there's any other question, I can hand it back to you.

STEVE DELBIANCO: Thank you, Waudo. Any questions for the CSG? Waudo, you were describing differences among CSG constituencies with respect to DNS Abuse being a gating factor for the next round. And you mentioned CPH, but it's actually the Intellectual Property Constituency that has a different view.

WAUDO SIGANGA: Yes. Thanks for that correction, Steve. It's the Intellectual Property Constituency.

STEVE DELBIANCO: Great. Thank you, Waudo. Any other questions for Waudo? All right. Thank you. Mason, I'll turn it back over to you for the general agenda.

MASON COLE: Thank you, Steve. Any other follow ups on Steve's review of the Policy Calendar? All right. I see no hands.

All right. Brenda is putting the agenda back on screen. Thank you very much, Brenda. We're moving to item number four now, which is an update on Operations and Finance from Lawrence. Lawrence, please go ahead.

LAWRENCE OLAWALE-ROBERTS: Good day, everyone. Sorry, I won't be able to turn my video on. I have something wrong with the [connection] and what you'll see won't be anything like me. I want to start by thanking everyone who participated in the BC Outreach on the 9th of June last week. We had some fruitful deliberations and lots of [inaudible]. We as the BC, we'll continue to follow up on the [inaudible] of this particular outreach.

BRENDA BREWER: Lawrence, I'm sorry to interrupt but you're very faint. Are you able to get closer to your microphone?

LAWRENCE OLAWALE-ROBERTS: Is this better?

BRENDA BREWER: Yes, very much. Thank you.

LAWRENCE OLAWALE-ROBERTS: I'm sorry. Okay. So I'll go over it again. I started by thanking everyone who participated in the last BC Outreach on the 9th of June for last week. Thank you for the time and effort that went into that engagement.

As a follow up to this, we also want to say BC is happy to note that the 2021 Community Excellence Award was given to one BC member who was very passionate about BC outreach in the person of Marilyn Cade. The late Marilyn Cade was up to the point she had reached at the BC, the chair of the BC's Outreach Committee, and outside that, Marilyn had been involved with ICANN from the very, very beginning. She had served on the GNSO Council, on the NomCom, and was an active BC member. We all miss Marilyn for all the inputs that she brings to the multistakeholder work within ICANN.

I'm pleased to announce that we have the BC ICANN71 newsletter on our website, www.icannbc.org. So if you get to the website, you're going to be one of the first and if you click on newsletter, going to be one of the first items that you see titled June 2021. We'll still make sure that we circulate this on the BC public and privately. Especially since we have all the participants at this meeting today, we want to encourage you all to take a look at the newsletter. It gives some information around what the BECAUSE [inaudible] at this point in time. And you can also find a list of all the newsletters produced by the BC. The BC has concluded work on the upgrade to its new website, icannbc.org. We want to encourage members and the public, especially those on the call, to take time to visit the site and possibly give us feedback.

I'm happy to announce that we have concluded the process for the BC Council election. This is for the seats currently occupied by Marie. We will share the breakdown of the results on the BC private list right after we are through with the process that needs to be dealt with internally. But I can say that Marie gained 78 positive votes. That definitely put her in a position to reclaim her seat. So on behalf of ExCom, the BC, we're saying a big congratulations to Marie. And thanking you again for all the work that you put into serving the BC on the GNSO Council. Thank you so very much, Marie.

We still maintained our direct membership of 63 members. We are definitely looking forward to and we have our doors open to small corporates joining us. So we continue to encourage members to help with the work of outreach and onboarding new participants into the BC fold.

Reminders are still going out. Invoice reminders are still going out to members who are yet to redeem their invoices for FY22. Please, if you are not sure of the status of your payment, kindly reach out to invoicing@icannbc.org and we'll be happy to attend to your inquiries. Thank you. Big thanks to everyone who paid up and are staying engaged.

That will be all for my end. I'll be happy to take any questions. Otherwise, I will yield the floor back to Mason for the rest of the meeting.

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MASON COLE: Thank you very much, Lawrence. I appreciate that report very much. Any questions or comments for Lawrence? Okay. I don't see any hands. And it looks like the chat is clear.

Just let me add on behalf of everybody in the BC, congratulations to Marie on her re-election. And thank you, Marie, very much for all your good service to the BC.

All right, ladies and gentlemen, we have just a few minutes left in our meeting. Is there any other business or issues for discussion to bring up with the BC this morning? Marie?

MARIE PATTULLO: Thank you, Mason. I think we should have another award to the BC, this time the Masochism Award. Because ladies and gentlemen yesterday, your chair, Mr. Mason Cole spent his birthday at an ICANN meeting at one 1:00, 2:00, 3:00 in the morning. So on behalf of the BC, happy birthday for yesterday, Mason.

MASON COLE: Thank you so much, Marie. It's very kind of you. Well, I can't necessarily say that ICANN meeting's the best way to spend your birthday but I was at least among friends. So thank you all very much.

All right, any other business for the BC this morning? All right. In that case, I return seven minutes back to your day and thank you all for attending. Special thanks to our guests who are with us in our Open Meeting today. We should have another meeting scheduled coming up

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here. I believe it's in early July. I'll confirm that with Brenda and we'll get a notice out to everybody. But I wish everybody productive ICANN71 from here, and thank you again for attending. The BC is adjourned.

[END OF TRANSCRIPTION]

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