FABIEN BETREMIEUX: Good morning, good afternoon, and good evening, everyone. My name is Fabien Betremieux from ICANN staff. Thank you for joining our meeting of the Security Framework Drafting Team today on the 18th of August, 2016.

Our agenda today is going to be as follows. We'll touch upon the background and timeline as a reminder. That will be short, but just to help everyone rebase since it's been some time since this Drafting Team has met.

Then we'll move on to a few words by the co-Chairs, so Alan and Bobby in terms of taking stock of where we are and what needs to be done so that we can get to the finish line. We have a few topics that Bobby has put forward for discussion today, and then at the end of the call, we'll try to determine next steps.

Let me stop here. Any questions, comments on the agenda before we get going? Hearing none, I realize that I didn't state the usual. If at any time in the call, you'd like to speak, please do so by raising your hand in Adobe Connect. Just make sure your line is muted, and for the purpose of the transcript, please don't forget to state your name when you speak. Thank you very much.

In terms of background, as you may recall, this initiative stems from the [building] GAC advice, which included in its new gTLD safeguard the security checks safeguard, which included two components: a component for the identification of threats and another component for the response to identified threats, both by registries per the NGPC

resolution of June 2013. The identification of threats component was included in the Registry Agreement. That's now [expected] in section 3B that I'm sure you're all familiar with. As for the response to identified threats, the NGPC called for the development of a framework for Registry Operators to respond to identified security risks that should be developed in the collaboration with the community.

This is really where our work stems from, as I mentioned. This is what led us into a consultation that was led by ICANN staff with registries and the GAC from August 2014 to June 2015, which led to the formation of this Framework Drafting Team with representatives from registries, PSWG and registrars. Here is a quick reminder of our objective. The purpose of this Drafting Team has been to build collaboratively and in the spirit of mutual agreement a reference set of nonbinding standards that would be grounded in industry experience, accepted best practices, and consultation with relevant communities.

A reminder here, as well. This is not to be confused with the work that has been going on in terms of [inaudible], which is a separate discussion initiative, if complementary to some extent.

In terms of our timeline so far, as you may recall in Marrakech at the ICANN 55 meeting, we had set a few targets. That was to have a final draft of the framework ready for public comment by the end of April with the idea that we could get to releasing a final framework in September. In the meantime, that timeline has been a big challenge, so we've reset it here to include the time it has taken for the registries and the PSWG to work through some of the remaining open items. There

was also, on the PSWG side, a transition of leadership because Jon Flaherty left his role in the PSWG. That's when Bobby came on board.

We are here now with a hope that we can get to a final draft as soon as possible, ideally in September so that we can issue the public comment period on that final draft and get with the community in Hyderabad and finally release the final framework by the end of the year or early next year. This is the current target which we hope we can achieve, and we certainly would like to discuss that with you.

Before we get to the opening remarks by the co-Chairs, does anybody have any comment or question on this timeline?

UNIDENTIFIED MALE: No, that sounds good, Fabien.

FABIEN BETREMIEUX: Okay. Thank you very much. Let's move on to remarks by the Drafting Team Leadership. As we have discussed, I think it would be fruitful for the Drafting Team to get a sense of where the co-Chairs think we are and what remains to be accomplished to get us to at least the final draft and eventually to the finish line. Let me stop here and see if Alan, would you like to speak?

ALAN WOODS: Sure. You can hear me, though, Fabien?

FABIEN BETREMIEUX: Very well. Thank you.

ALAN WOODS: Okay. It's Alan Woods here from Rightside. To begin, from our point of view, the registries, I think you just pointed out as well that we had the change of leadership, as well. That was another addition to the way that the timeline has gone, so I don't want to just [inaudible] shoulders of the PSWG on that one, as well.

With regards to the meeting, in the last we were all together, we had come up with a [inaudible] draft, [how it stood] last time. When we got the comments back from PSWG, the registries had to go back and think about how it work, not only to our individual registry, but also looking to see how would the framework become universal but not standard. I think that's the main way that it was high enough level that it would apply to many with not removing too many [inaudible], I suppose.

I think what happened is I think we fell into our silos, registries, PSWG, both having our very strong viewpoints on certain elements, I think we come there to a point [inaudible]. Can you hear me?

FABIEN BETREMIEUX: Alan.

ALAN WOODS: Is that better?

FABIEN BETREMIEUX: That's much better. Thank you very much, Alan. Much better.

ALAN WOODS: Apologies. Just to go back to that, we've fallen somewhat into silos, trying to figure out where the registries are coming from, versus the PSWG proposals from this document. Although we'd come to a formal conclusion with Jon Flaherty at the time, with the change, then obviously brought in new thoughts and new questions. We have to address them, as well.

As it stands at the moment, we've gone back and forward with Bobby and the PSWG on a few elements. As you can see from the agenda and the discussion points, I think it's better that we bring it back to the entire work group so we can tease out those final few points remaining. I don't propose to go into them. I think Bobby is probably best to see where the PSWG is going on this point, but I think with teasing out these issues now with the entire group, I think we can work to a resolution to resist the urge to go back into our silos and get this on that timeline. Hopefully we'll meet this time by the end.

Thank you. You've been very patient, as well. On that, I'll pass it over to you then.

FABIEN BETREMIEUX: Thank you, Alan. I see we have Freida in the queue. Was that regarding our difficulty to hear Alan in the beginning, or do you have a question? Would you like to make a comment? Freida?

FREIDA TALLON:

Nope. I think my computer just seems to have had my hand up. I apologize.

FABIEN BETREMIEUX:

Okay. Thank you very much. Bobby, would you like to go ahead?

BOBBY FLAIM:

Sure. I think Alan summarized everything really well. From the PSWG's perspective, we just had those few comments based on the latest draft, which I think may need some teasing out. I think maybe if this call, we could work on those and see if we can make progress on those and then take it back to our smaller groups, PSWG and the registries, maybe that might be productive.

FABIEN BETREMIEUX:

Thank you, Bobby. We can certainly move on and discuss those points you have proposed. I just want to mention that Theo has sent his apologies. He's not able to come to the meeting today, unfortunately. He'll just catch up with us on the conclusions and in the recording.

In terms of those topics that you had proposed, Bobby, here is what you had regarding the timeframe for registry response. Let me stop here and let you lead us into that discussion.

BOBBY FLAIM:

Thanks. I know this was a little bit controversial when we put in the 24 hours, but we felt that there had to be some type of standard insofar as

a response. Since this is a framework, we wanted to frame it. Based on the comments, we said, "With 24 hours, maybe that might not apply." But if there was some type of a standard on how to reply, whether something is an emergency or if it's medium tier or low tier, if we could put something on that frame, that would signify what would be the best framework to respond. I think that would be very helpful.

I think in reasonable time, just based on past experience and doing this with other registrars and registries, we always run into a little bit of a challenge. So we just need some fine tuning on that point, if we can.

FABIEN BETREMIEUX: Would anybody like to comment on this topic? Jim, please go ahead.

JIM GALVIN: Thank you, Fabien. I actually like this categorization. I think that in our framework, I think it's very helpful if we approach incidents from the point of categories. A high, medium, low is more than enough distinction, I think, for incidents. I think there's an important step in front of this that needs to happen though, too. That is I think that we need to have an opportunity for a registry in particular and registrars to be able to say whether or not they agree with the prioritization.

I would expect that law enforcement or other appropriate authorities would assert an incident at a certain priority. I think it's important for the receiving party to be able to assert relatively quickly whether they agree with that priority or not and then react according to the framework that you're proposing here. But I do like the distinction of

FABIEN BETREMIEUX: Bobby, are you interested in maybe responding to Jim right away before we [inaudible]?

the categories, and with that one addition in front of just resolving the categorization assertion quickly, I could support this.

Thank you.

BOBBY FLAIM: Sure. That's good to hear. The one thing is the devil is in the details. Working that out would be good. I just know as a for instance, just background, when I was doing investigations, the United States in particular has a statute. It's called 18 U.S. 2702, and if there's an emergency, you can go to an Internet service provider and say, "Hey, this is an emergency and we need the information. Can you provide us with the information in lieu of a legal process or a subpoena?" They can do it.

I know that for some companies, they would say, "Okay. You say it's an emergency. That's good." Others, they were like, "We don't deem it an emergency. We don't know it's an emergency, so we won't be able to give you that. We'll just have to wait for your court order." As long as we can work on language that's universally accepted so it's not [much] where people are thinking that they [wouldn't know what it is], I think that would be really good.

FABIEN BETREMIEUX: Thank you, Bobby. Maxim? Maxim, are you on mute.

MAXIM ALZOBA: The first thing is about emergency situations. Usually, it's [regulated] through [inaudible], so there is no need to apply ideas from the legislation that might not be understood the same way. For example, in case the emergency arises, with whom and in which jurisdiction? Because if the registry or registrar acts inside of the country – for example, American registry or American registrar, they respond to the FBI. That's fine, but if FBI asks something from the Chinese registry, do you really expect it to be approved inside of the country? That's the first point.

The second thing is one of the reasons why registries say, "No, it's a bad idea about 24 hours," because of the financial structure of what we see as current, brand new gTLD registry, it was done according to the rules set by GNSO in [inaudible]. Actually, our financial models do not allow us to have onboard 24 hours ready security experts. It's not cheap.

For example, imagine during the week of holidays, we will still have to do the same. We are not police. We do not have persons responsible for that. We shouldn't mix between [others] and between make reasonable research of something because we can get a sign of that something is wrong or we can give some response, but do not expect it to be [deep]. We asked ICANN if it's possible to sponsor this kind of quite useful activities, and [Fabian] told us, "No, it's not possible."

Small and medium registries, they won't be able to finance these activities. It's not good. We will have situations where some documents

just squeezes out the small and medium registries out of business, and basically, it's not improving customer choice. Thanks.

FABIEN BETREMIEUX: Thank you, Maxim. Alan?

ALAN WOODS: [inaudible]. I actually agree with Maxim to an extent on that. I think this is where one of the major sticking points really has occurred. The hope behind this is that as many players in this will be fit to follow this voluntary framework. One of the worries is that there are smaller registries out there who will look at a prescriptive 24-hour, even in an emergency situation, and say, "I don't know if I can genuinely attain that, and I don't want to be seen as being bad in that particular situation where I can't attain that 24 hours."

Dropping the moniker of co-Chair on this, my point of view, obviously I agree with Jim on this. I think that I would be more inclined with the concept of a high, medium, and low, and then specifically things such as child exploitation. These are things that I personally will want to deal with as soon as possible, and I would think that any reasonable and responsible registry would also say in those cases that they would want to.

I just think putting a time on us is causing people to worry. That would be my issue with that. I just wanted to say that.

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FABIEN BETREMIEUX: Thank you, Alan. Chris?

CHRIS KLEIN: Bobby, you had mentioned the court order process. Is that a process that the PSWG would support, having decisions and orders come from a recognized authority before people take action?

BOBBY FLAIM: No. The statute that I was using is kind of like an emergency request. It's not even a court order. It's not from a judge. It's coming from a particular public safety agency. That's what I was referring to when I was talking about Jim's categorization and the interpretation of it. The interpretation of it would be on the receiver, which in that case would be on the Internet service provider. When we were talking about what we would do, the person who would [make] the determination would be registry if there's an emergency.

I think, to go back to Jim's point, we just may want to fine tune what we define as an emergency at certain points. To me, an emergency is imminent death or imminent serious injury, something of that nature.

CHRIS KLEIN: Okay. The suggestion is that the registry would be the one to determine. That's where I was going. Who is the entity that is to determine whether content or a situation warrants a registry from taking action?

BOBBY FLAIM:	It would have to be something in the language where the agency would have to tell you this is an emergency based on life or limb, imminent danger, imminent death, imminent injury, something like that. It's law enforcement [telling] the registry that this is a high priority based on the facts of the case.
CHRIS KLEIN:	I see. Thank you.
FABIEN BETREMIEUX:	Thank you, Chris and Bobby. Jim, let me [inaudible] the line so you can speak. Jim, please go ahead.
JIM GALVIN:	Thank you. I want to make two comments. First, I think in part, Bobby was talking about emergency situations, context that's allowed in the U.S. Maxim was offering a response in part to guessing that might work in the U.S. but not work elsewhere. I do think that it would be important in this framework in all of the appropriate places, one or more, whatever is right. You need some kind of clause that you're not going to do anything in conflict with your local law, whatever that is. We might have a suggestion for an ideal scenario about how things work, but certainly no one would be obligated past the point of whatever their local requirements are. That's one comment.
	Secondly, I think there's a distinction that I'd like to propose to make. We've had this discussion before. Certainly within the registries themselves, we've had this discussion about whether or not a registry

would have to have 24/7 staff, always people online and available to respond to queries and the needs of law enforcement. I fully understand that the smaller registries, even medium sized registries, might not have that staff working and on board all the time. I think the key requirement here is about being accessible, about there being a way in which, if needed, someone could be reached by law enforcement.

That, to me, is different than whether or not they are full time staff and onboard. There may still be local employment issues with dealing with that, but I think that to the extent that this is a framework and a recommendation, you make the observation that someone should be available. It should be possible within some appropriate timeframe – we have 24 hours on the table here for high priority items – to know that within 24 hours, someone is going to notice that this request has been put in and someone is going to decide whether they agree with the assertion of the category. If they do, then they're going to begin to take actions. If they don't, they would be obligated to respond and say, "Thank you for your request. We don't agree this falls into a high priority, so it will be dealt with in the fullness of time," so to speak. That's sufficient and that's all that's required.

My second comment is about drawing this distinction between full-time staff and simply being available to notice a request within an appropriate time period. I think the big one on the table here is the high priority, 24-hour response time or whatever that number turns out to be.

Thank you.

FABIEN BETREMIEUX: Thank you, Jim. I have next in the queue Richard.

RICHARD ROBERTO: Hi. Can you guys hear me?

FABIEN BETREMIEUX: Loud and clear.

RICHARD ROBERTO: Okay, good. I'm glad we're having this discussion, but I think we've discussed it quite a bit amongst the registries ourselves. One of the things that keeps coming back to us is the Registry Operator needs to be willing and able to take responsibility for whatever actions we take, regardless of who the actor is who may have initiated the report. It seems the more prescriptive we try to become here, the more operational questions we need to ask.

Some of the language here, I think we need to really be careful about. Child exploitation can mean so many things that have nothing to do with breaking the law or imminent threat. When we start becoming prescriptive like this, it's just an invitation for lots of other questions that need to be asked and then answered.

Response times have a lot to do with what we consider a response to be. We can send an automated message quickly, but a thoughtful, researched response may take longer. There's a lot of things that when

you start putting these sort of line item issues into a prescription for a response that it may not have a lot of substance behind them anyway.

I'm not really sure that there's a lot to object to because I think certainly we could have automated responses [inaudible] times. I just don't know if they're that effective. I think there's a lot of other questions that get raised here, but I don't know. Certainly this doesn't answer those, and it doesn't really ask the question, "What if you don't?" What if you're unable to respond in time? What if your response is not something that the GAC or the PSWG would have expected, given the situation? These are all questions that if we're going to go down this road, we have to answer these and perhaps many more.

FABIEN BETREMIEUX: Thank you, Richard. Maxim?

MAXIM ALZOBA: Thanks. Just small notice. It will make our life easier to understand that the law enforcement from outside formally is not regarded to be law enforcement at all in your country. For example, [inaudible] some Asian country, they are formally not law enforcement inside of some other Asian country. We should be careful about language, saying which law enforcement and who is asking whom about what.

Thanks.

FABIEN BETREMIEUX: Maxim, just a point of clarification to your point. The discussion that we had before I think might have been Alan mentioning – it might have been Jim. I don't recall precisely, but saying that we should fit in the framework on this topic that nothing would force a registry to act against its local laws. Would that be enough to address the concern you just expressed, or is this in addition?

MAXIM ALZOBA: Fabien, it's just the notice. It's on the line that when we're talking about law enforcement, we should understand that each registry, we will understand these text as local law enforcement.

That's it. Thanks.

FABIEN BETREMIEUX: Okay. Thanks for your [position], Maxim. I think we have Alan in the queue.

ALAN WOODS: I'm going to throw a bit of a curveball I suppose probably on this one. One thing that we are forgetting, as well, is that this framework is for Registry Operators. I'll ask Bobby directly. In what instances would you be going to a Registry Operator to [inaudible] these things? At the end of the day, this is something that we were talking about in other forums. Apologies for jumping onto that.

We are not the natural entity to go to with a lot of these issues. There are much more directed and targeted and things that would help law

enforcement a lot more so. I'm more than happy to do my best, but I do think when I get a lot of these notifications through, my first question is, "Why are you coming to me first? Because you have a much more targeted way of getting maybe the host or [even] the registrar or something like that. The registry at the end of the day, all we can do is take a sledgehammer to the DNS and remove an entire domain. That's not necessarily the best thing that can be done.

Again, relating that to the 24-hour timeframe, would that 24 hours not be much better spent in other places first? Where do you propose coming toward a Registry Operator on that? Maybe you could give us some insight into that from the law enforcement point of view.

BOBBY FLAIM: Sure, absolutely. Very good question. There are several times that we go to the registry because obviously the registry is the ultimate arbiter.

FABIEN BETREMIEUX: Bobby, have we lost you? Bobby? It seems that we've lost the connection with Bobby, possibly. Hopefully, he'll be able to restart his connection. Jim, if you're in the queue – Alan, I'll have your question noted here. We'll try to come back to it once Bobby reconnects. Jim?

JIM GALVIN: Thank you. I wanted to agree with Alan and maybe put a slightly different spin or clarify it a bit here. Certainly, I know that on our side as affiliates, we've experienced this. Certainly there have been a number of cases in the popular press. It is important to keep in mind that the

way in which we categorize these things and the language that we use to describe what's important [inaudible] I like that Bobby had put here on the slide, or whatever it came from on the slide, about identifying three high category things where taking the sledgehammer approach of wanting to make changes to the DNS is probably the right thing because those kinds of things really are significant.

The language that we use to describe what's considered high priority is important. In other cases, a more surgical approach where I think the leading question that Alan was asking was, really, the registrar has the relationship with the registrant. The registrar may be the hosting company, probably is in most cases, but in cases where they're not, it's the hosting company for the content that the law enforcement want to go for.

These are the kinds of things where the language that we use to describe the categories becomes important because certainly registries don't want to be complicit in being that sledgehammer when a more surgical when a more surgical approach is appropriate. This is where we need to make sure that we reserve the right to respond with a no when we're being asked to do something, as opposed to being ordered to do something. Maxim's comment about the language we use to describe these things becomes really very important in all of this.

I like your leading question, Alan, and my comment goes back to what Maxim was saying about being very careful about the language we use here. Registries need to reserve the opportunity to protect themselves because they don't want to be that sledgehammer, but I do want to still continue with the comment that I had made in the very beginning of all

of this. I do think that registries do have an obligation to be responsive to imminent threats, however we can define those and be responsive in relatively short order.

Let's be honest, folks. There are reputation companies out there that make a point of looking for TLDs and ranking them that have a lot of domain names in them that are doing bad things. It's in all of our best interests to manage your rank on those lists. You either want to or you don't. I think creating a framework that establishes the best way to manage your rankings is a good thing.

I'm not suggesting we be overly prescriptive. We do need to be careful about the language here, but we do need to create a framework that gives us all the opportunity to manage those rankings and our reputations. I think that that is good for business. You can volunteer to be part of it or not, but you should know what it takes to do the right thing and be part of it.

Thank you.

BOBBY FLAIM: Hey there, [inaudible]. It's Bobby. I apologize. My cell phone [inaudible] cut me off.

FABIEN BETREMIEUX: Go ahead, Bobby. Go ahead.

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BOBBY FLAIM: I just heard Jim's comment, and I would echo what he said. Our very specific examples for public safety agencies [inaudible] come directly to different [groups]. I think [inaudible] where registrars are simply not responsive. They don't have [inaudible]. You [can] get in touch with them. Therefore, we do absolutely need to go to the registry to resolve a problem.

A second thing is that there are very certain registry-specific issues. One case that Europol and the FBI had a couple of years ago is Botnet, the GameOver Zeus Cryptolocker case, which actually was a huge, worldwide, international case. We had to go directly to the registry. That was something that was very critical to the operation and security-sensitive and time-sensitive, as well. Those are just a few examples, but the registry and being able to reach out to the registry directly is really important, even with the registrar in the ecosystem.

FABIEN BETREMIEUX: Thank you, Bobby. Sean, you are in the queue?

SEAN BASERI: Thank you. Another item that I'd love to get some clarification or at least, in the long term, some consideration for would be the positive effect of verification for situations like a threat to injury or death. Just from a technology standpoint, it's easier for a technology organization for us to verify a piece of malware as malware or a phishing page is phishing, but when [we enter] into things like violence, it may be an area where additional guidance in whatever document, if we want to go down that path, would help us understand this better.

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FABIEN BETREMIEUX: Thank you, Sean. Alan, you're in the queue.

ALAN WOODS: To follow up with Bobby there. [inaudible] would be the Cryptolocker. That is something. He has a resource there that many of us probably don't have. That is hands-on experience on what actually a registry did in certain instances. We're at the point in trying to come up with concepts and ideas of what we would do. Should something happen? But he has that information where it has happened, and his past experience.

I would be very happy if he could pass on some pearls of wisdom of what occurred during that part. What did a registry do? Obviously removing names, etc., but what was the process? What worked well? What didn't work well?

Again, this is the thing [with the extra Annex] is I think we were talking about later. That sort of information can probably guide us much better than guessing what we possibly would do in a particular situation. I would welcome more conversation on that, definitely.

FABIEN BETREMIEUX: Bobby?

BOBBY FLAIM: Yeah, absolutely. We can have more conversation on that, but one of the key components on that was being able to reach out to registries, literally being able to pick up the phone with their technical and legal people and discuss what needed to be done. That's very critical, being able to talk to them, literally within hours, knowing exactly who to talk to at the appropriate time, working on any technical issues, legal issues. That was a very critical and key component to that.

FABIEN BETREMIEUX: Thank you, Alan and Bobby. Jim.

JIM GALVIN: Thank you. I want to respond in part to Alan's question about analysis and how one knows whether or not something is a high priority item or not. I guess we probably have more experience than many people, though not all, that are part of this process here. You do learn as you go over time. You establish relationships with law enforcement. You necessarily have your own relationships with law enforcement, and that's how you figure things out. I think Bobby was just offering there, too, and suggesting that having someone to contact when you talk to someone, you talk about it. You work with them and you arrange with them what you need and why and what you can do and how you can do it and what you can't do, whatever the circumstances are.

I know that one of the things that's important to me, even in this framework as we put this together, there's an expectation in my mind on law enforcement. If anyone is going to ask us to do something, they really are going to have to provide sufficient evidence to convince us

that there's something to be done here. This is why when we started this conversation, one of the first things that I said was I think there needs to be a step in front here. There certainly needs to be an agreement that something is in the appropriate category. If we can come to an agreement that there's a high priority category and it should have a short window of response, then the first thing that has to happen is we have to agree that a particular incident is in that category.

For me, the expectation there is on law enforcement to provide sufficient evidence. It's easy for them to send in a request that says, "This is high priority. You got to do this now." I'm supposed to see that and react to it. Not everyone's going to have all of the resources they need to do research and analysis. You need more convincing. I think you have to have that opportunity to ask for it, and the burden is on law enforcement to respond with whatever they need to to convince you that you need to do something if it's not sufficient.

I appreciate that that's a double-edged sword. It's similar to someone could just respond with an auto responder that says, "Yes, I got your request." I think that auto responders is obviously not the right way to respond to any query. That's why I was saying that you actually have to respond explicitly that you don't agree that it's in that category, but it becomes a negotiation. You can't auto respond. You still have to communicate with someone. You can push back and say you're not going to do it anyway, but all right. That's the way it goes. Your reputation hurts for that if you're not going to participate.

I don't want to be overly prescriptive and I don't want to have definitions of all of the failure modes, either. I think that you describe

what works and a framework that's supposed to help things, then you're either participating or you're not. That's sufficient for a framework.

I apologize. I feel like I got a little off track there. I really wanted to saw that law enforcement has to provide the evidence that we need to move forward, and if they don't, then you don't have to respond.

Thank you.

FABIEN BETREMIEUX: Thank you, Jim. Before we go down the queue, Bobby, would you like to speak to that point specifically?

BOBBY FLAIM: No, I agree with Jim. Like I said earlier, I think the devil [is] in the details. Just based on prior experience, I think it will definitely be incumbent upon a public safety agency to articulate what the emergency is. Obviously, there are some times when it's just a threat or we've gotten an e-mail. There's some evidence that we have that we just simply can't ascertain, and that's why we are going to a registry or registrar or ISP, so on and so forth. I think if we can detail that to raise the level of comfort and detail so that there's a lot less guesswork or no guesswork at all really, I think that would be very, very good.

FABIEN BETREMIEUX: Thank you, Bobby. Maxim, you're next.

MAXIM ALZOBA: Short question. Do we have any expectations on how registry would identify this law enforcement? I'm not saying anything about the local law enforcement because it's good to contact with them to understand who they are and which subjects they're usually in. If you in this framework refer to law enforcement of some other countries, how do you expect us registries to identify them? Because it's not easy. To understand it, it's really police or [inaudible] or some guy who's making joke out of the registry.

Thanks.

JIM GALVIN: May I jump the queue?

FABIEN BETREMIEUX: Please. Go ahead, Jim.

JIM GALVIN: I'll just tell you, Maxim, from our experience, the way that this works. I think that in a framework, I wouldn't put anything prescriptive in here about how to [inaudible] law enforcement. We would have to be careful about the language, but I think that as a registry, you get to make that decision for yourself. You either recognize and know who's [reaching] to you, or you don't. If you have any discomfort at all, you simply push back and you tell them that they have to come at you in a manner that you recognize and that you're comfortable with.

I think this falls under the category of you don't do anything that's in violation of your own local laws. You're not going to get yourself in trouble by just listening to whoever says, "Gee, I'm law enforcement. Let me go do this."

We could set aside as [future] work. This is something that is probably outside the scope of this, but it's been talked about in different places. Somehow there might be some central authority that provides credentials that somehow registries might be obligated to recognize. This is going into the WHOIS RDAP stuff where they want differentiated access and all of that business. That's a whole different thing, and I think we stay out of that in this [deep].

Thank you.

BOBBY FLAIM: I would agree with Jim and Maxim. It's really the duty of the public safety agency to ensure that they are well known and they are going through the proper channels. If any registry has any discomfort, then you're like, "I don't know. You say you're the FBI, but I have no idea who you are and I don't know what this is." At that point, let me just say if it was me and you didn't know who I was, then I would reach out to your respective law enforcement agency and I'm like, "Okay. Fair enough. They don't know who I am. Can you make the introduction? Can you help me out? Can you assist me so that they know who I am and that they know this is legitimate?" Or whether we work with that law enforcement agency to give you the legal process or the request, whatever it is.

Jim is right. You're absolutely not expected to know every law enforcement agency. There's no way to authenticate what that law enforcement agency is. That is something that we, as law enforcement, that's our job. That's what we need to do. We need to ensure that you are familiar with us and we are familiar with the process and you have that comfort to know that this is something real and authentic.

FABIEN BETREMIEUX: Thank you, Jim and Bobby. We have Richard next in the queue.

RICHARD ROBERTO: Hi. Richard Roberto from Google. I just wanted to respond to something that Bobby had said and something that a gentleman earlier had mentioned. One of the things Bobby said is you wanted to try to take the guesswork out of this response. I think that one of the things we're reacting to – certainly I'm reacting to – is how being overly prescriptive would lead to a narrowing of options and taking the guesswork out, in fact, is by definition a narrowing of response options. But it would allow for automated responses, which is the thing I mentioned earlier. I'm not in favor of that. I'm just simply suggesting that the more prescriptive you are, the more automatable responses become.

I also think that the point that was being made by the other gentleman – forgive me, I've forgotten his name – that if you don't respond well to abuse situations and imminent threats, then your reputation will be at stake is absolutely valid, but it's valid whether or not we have language that suggests we have a prescriptive response time in this document. I

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think that's truth, irrespective of whatever we put in here. That's the only point I wanted to make.

Thanks.

FABIEN BETREMIEUX: Thank you, Richard. Just a quick time check here. We have six minutes left. Should we move on quickly to the other point that Bobby had raised? Let me know if you oppose that suggestion. Jim, please go ahead.

JIM GALVIN: What is the action here? What is the summary? What's next for this particular topic? Thank you.

FABIEN BETREMIEUX: Jim, I've captured quite a lot of notes, and I have identified indeed several areas where there could be actions on each side to complete our draft. I think as far as I'm concerned, and I'll check with Alan and Bobby, but we might want to make sure we agree on the actions based on this discussion and then attribute those actions.

Does that respond to your question, Jim? Okay, great.

JIM GALVIN: Yes, great.

FABIEN BETREMIEUX: Thank you, Jim. Let's quickly go over the other topic. Bobby, you mentioned that the Annex A, which contains example of responses to abusive activity was helpful, but it would be even more helpful with specifics. That was another area of discussion.

The other point was that in the PSWG's latest edits that were proposed to the registries, there was also an Annex B, which was an example of actual registry anti-abuse policy. That was proposed, again, as a way to provide guidance and baseline.

Let's see if anybody would like to discuss those two and see if there needs to be follow up action in that area. Alan, please go ahead.

ALAN WOODS: Alan Woods here from Rightside Registry. I'm going to jump in on Annex B because I think that was an easier one for me to talk on because I remember what we said.

FABIEN BETREMIEUX: Sorry, Alan. I'm sorry to interrupt, but you sound from afar.

ALAN WOODS: Is that better?

FABIEN BETREMIEUX: Yeah, much better. Thanks.

ALAN WOODS: Okay, sorry. I have to [inaudible] to my microphone. Basically, I was saying that for Annex B, the reason that we didn't agree with the inclusion of Annex B was more so that it is such a subjective thing and that would be the effective use policy or the policies of an independent registry because it already depends on what is the nature of the TLD? What is the nature of the country in which the Registry Operator finds themselves? What the jurisdiction, and the way that they actually apply that policy themselves?

I understand why it would be a baseline, but I don't think it's a baseline. Essentially, I think [inaudible]'s policy is great, but I think it's a very high baseline, as well. I wasn't particularly supportive of that in my own personal capacity, and if anybody else from the registries want to chime in on that, maybe this can add some more color.

FABIEN BETREMIEUX: Thanks, Alan. I don't think anybody would like to speak to that. Have I understood correctly, Alan, that you are saying it was too subjective and too high of a bar? At this point in the proposal, could there be another sort of proposal that would be more agreeable to registries in that area?

ALAN WOODS: [inaudible] to be perfectly honest. Again, just because of the different approaches and there are so many new registries, I think it's a difficult one that needs a bit of discussion. I don't see why it should be in the document at all, to be honest. It's my personal opinion, not necessarily as the co-Chair.

FABIEN BETREMIEUX: Okay. Thanks, Alan. Anybody would like to speak to that point?

Okay, our time is almost up. We have two minutes. I just wanted to come back quickly to the timeline and our target. What I suggest we do is I'll get in touch with Alan and Bobby in the next day or so so that we can take stock of the actions and how we move forward from today's call, which I think was quite rich in contribution and progress, and so that we can determine what's our tactic to get to the finish line of having this final draft, including the conclusion of our discussion today.

If you have any suggestions or any additional comments to what was discussed today, please do so. If not, we'll be in touch again and let you know when is a good time for our next call. I think this time has been working fairly well for the group, so we'll just try to keep that timeframe, Thursday at 14:00 UTC. We'll determine when is the next call.

Maxim, I read that you believe this timeline is quite optimistic, so we'll definitely discuss that with the co-Chairs.

I also very quickly need to mention that as I'm going to be transitioning roles inside ICANN, my colleague Dennis Change will likely transition the management of this work. You'll probably hear from both of us next time. He'll eventually take over this [initiative], so don't be surprised if you hear about Dennis in the coming days or weeks.

I'm reading also Crystal's comment that the timing's quite aggressive. Let me hear from you if you have any additional remarks, and if not,

we'll just [inaudible] for now and we'll be back in touch through the mailing list and set the next call as needed.

Thank you all for taking the time and joining our meeting. Thank you for your substantial contributions today, and we're looking forward to the next steps. Thank you very much. Have a nice end of your day.

UNIDENTIFIED MALE:	Thank you, Fabien. Thank you all. Bye.

[END OF TRANSCRIPTION]