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LAUREEN KAPIN: Welcome everyone to our 24th sub-team call. I wanted to focus today on the path forward for our [inaudible] to the preliminary draft report. And I sent out an email yesterday with a list of tasks that I think need to be accomplished in order for us to revise the report. Is it possible for me to just scrolling right? Okay, now there's a little bar. Great. And I'll refer people to that. It's also on the screen.

So, what I did, by way of explanation, is use the same assignments for discussion leads to leverage the work that had already been done. So essentially, the recommendations folks have focused on through the Johannesburg meeting, are the same recommendations they're going to be focusing on for revisions. And when I say recommendations, I also mean the text that accompanies the recommendation in the final report.

So our first topic in this endeavour, and what I recommended to folks is the need to identify issues that they need to take into consideration in their recommendations. And in that regard, I have recommended to folks that they look at the very useful spreadsheet prepared by staff, which excerpts particular public comments in response to each recommendation. And that's a good starting point.

Then what I'm recommending is also looking at the public comment directly, because you can get a focus point from an excerpt, but you

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really want to read the whole public comment for the whole flavour. So that's what I'm recommending to people that they do. And so I think it would be helpful for folks to generate their own list of issues related to each recommendation. And use that as the starting point.

So once that's accomplished, what I set forth in my email is the six tasks that I think we need to then proceed to. And you'll see the first thing that I put on my list is consolidation, and that's because if we end up consolidating, that's going to affect the work breakdown, which is why I wanted to deal with that first. So, Drew actually very helpfully sent an email shortly before the meeting began, giving his suggestions for some consolidation.

And I'll have Drew discuss that, if he wouldn't mind. But after that, I want to open up the floor to other recommendations for consolidation. Carlson, I think you had made some recommendations either during the Johannesburg meeting or afterwards, also for consolidation, so we'll be asking for you to speak to that as well. So, Drew, do you mind starting? Are you with us? I know you said you were going to have intermittent access.

DREW BAGLEY: Yeah, now is perfect because it will be in a little while, I'll be traveling.

LAUREEN KAPIN: Okay.

DREW BAGLEY:

So, for mine, I think reading through the public comments as suggested us, as well as just re-reading the recommendations themselves, I think it makes a lot of sense for sure to combine recommendations 19 and 34, because they're just calling for additional data, or repetition of different aspects of the DNS abuse study. And for these two, in particular, the only thing I see that might change this recommendation on my behalf to combine these would be if we in fact come up with some sort of broader recommendation regarding data collection that includes a series of several studies, or includes repetition of something else.

So we say, we'll get to the language based on the IETF -- whether it's a "must" or a "should" or whatever-- but basically, we will recommend a series of studies to be repeated. However, so long as the DNS abuse study recommendations are independent, on their own, then I think these two should definitely be combined into a broader one. And then this broader recommendation -- as I go through the series of taskings you suggested in that email Laureen -- I'll go through and better specify the methodology as well as ensuring that we're referring to technical abuse, and defining it, pursuant to the public comments we've received.

And then for the other ones that are 38 and 39, dealing with voluntary picks, what I believe—and I'd love to hear the team's feedback—is as we rework this one, which of course we have to give the caveat that, "so long as picks are used in the future;" then I think maybe we would come up with a combined recommendation of 38 and 39 that would better detail what we see should be included in the future process. So that way we would say that, "During the application process, applicant must state the goals of each voluntary pick, and these applications must be submitted during such and such period."

And that way we would combine that. And really take into light that every community group should be able to weigh in. And we can specify where in the process it should all be. But I think we can combine those two.

And so, I'm wondering if anyone opposes that, or has a different opinion otherwise, as I work through Laureen's instructions, and I will combine those as I go and prove them too, and incorporate feedback from the public comments.

LAUREEN KAPIN:

Thanks, Drew. Does anyone have any comments or questions for Drew on his proposals for consolidation? [AUDIO BREAK] Okay, I'm not—we have an affirmation from David. Good. He thinks they make sense. I think they make sense too. I think in general, your approach to 38 and 39, which are two separate recommendations that deal with picks make sense if there's something that has a common subject matter, and it can be handled under one umbrella, I think that makes great sense for our consolidation efforts. So, I would say go forward and work accordingly.

DREW BAGLEY:

All right, thank you. Will do.

LAUREEN KAPIN:

Can we go back...

CARLTON SAMUELS: Can I say something?

LAUREEN KAPIN: Go ahead.

CARLTON SAMUELS: Thanks, Laureen. I was going to give you my take on the recommendations I'm looking at.

LAUREEN KAPIN: Okay. I am finished, Carlton. Why don't we move on to you?

CARLTON SAMUELS: Okay. So, 21, 22, and 23: they really are recommendations about complaints and how complaints are recorded, how they're handled after they're recorded, and the role of the ICANN organization in ensuring compliance to those complaints and [inaudible] they've got. If you look at the recommendations, they're all directed at the ICANN organization and future CCT review teams. So we don't have much of a say in that. I think you could easily consolidate these.

If you look at their responses, the responses really were, for those who objected, it was about ensuring that we define abuse so that any response to abuse should remain within the context of ICANN remit. I think that's fairly easy to do. The other interesting—well not interesting, but the other pushback came from a constituency that says

that we want to ensure that you don't step over the line into content regulation. I think that that could be done.

And the ICANN organization itself says, "Well, I'm not sure what you mean to publicize, because the requirements to list an abuse point of contact is in the recommendations." If you look at the supportive comments on crossbar three, they tend to form the direction that says, "Yes, we should have more data collected about abuse and what was done with the abuse. Yes, we should have uniformity of reporting about abuse and what was done about the abuse from the registrar's side. And yes, ICANN compliance should be required to ensure that the contractual obligations are maintained."

I think in the sum of all of it, if you look at the ones who disagree with the ones who agree strongly, you could really take these three and consolidate them. For the first part say, "If we recommend that abuse complaints, there is definite requirements that abuse complaints should be recorded. And it should also be recorded what happened with the complaints. And ICANN compliance is required to check and see if these are within keeping with the contractual obligations." So I think those three can be taken together, make a three-part comment, and listed that way. That's my feeling.

LAUREEN KAPIN:

Thank you Carlton. I just want to make sure I'm clear on your proposal. That would be to combine 21, 22 and 23 together?

CARLTON SAMUELS: Yes.

LAUREEN KAPIN: Okay. One issue that I see is that the way that we are referring to abuse, for example, in 21, that is a different kind of—we're using that term much more broadly, than, for example, than Drew is referring to it, and the study authors are referring to in the DNS abuse study. For 21, these are basically mechanisms to combat abuse in the way it is defined in the ICANN contracts, which goes beyond so called technical abuse, and covers a rather broad range of illegal conduct.

So I just would note that: that we're probably going to want to be sensitive to our terminology. Because what's being talked about in 21 in terms of complaints, and abuse is far broader conceptually than what is being studied in the DNS abuse study. So I just draw your attention to that because we may want to come up with some other terminology.

CARLTON SAMUELS: I totally agree, Laureen, that it is most broad. That's why I thought that we should look at what the SSAC suggests that we should take for abuse. I'm just looking to pull it up and tell you what it is.

LAUREEN KAPIN: Does that track how the contract assigns it, though? Because I think our recommendations are very much tied to the contract provisions.

CARLTON SAMUELS: Right.

LAUREEN KAPIN: So I wouldn't want to stray from that to the—I don't know whether the effect defines it the same way. So I would want to make sure that first and foremost, we're consistent with the contract provisions.

CARLTON SAMUELS: Yes. It's a little different because what this school says what ICANN's mission is. So you define abuse in terms of ICANN's mission. And we say to be sure we ensure stability and resiliency, and then we say that any act that comes or undermines security, stability and resiliency is bad and abuse. And then they went and defined security, stability and resiliency.

And I think if we do it that way, that's why I was suggesting we adopt a definition of abuse that is dependent on the ICANN remit, and ensure the security, stability and resiliency of the DNS. I don't know how you feel about that. But that's what I was suggesting.

LAUREEN KAPIN: I think we probably want to think it through. I don't necessarily think they're inconsistent with one another. And I agree with you: the best way to deal with questions about things being outside of CIANN's remit are to make sure that it relates to the very important part of ICANN's remit, which is to protect security, stability and resiliency of the DNS.

So I'm with you there. I'm with you there all the way. I just think we need to look back at the text for these particular recommendations to see whether the recommendations are flowing from contract provisions, which are very specific in what they deem to be a breach of contract, so to speak. Or whether they are flowing from something broader, which might relate to security, resiliency and stability.

So, I say let's look back on that together, Carlton, you and I, and think through what our best approach would be. Because I think your instincts are right, that we want to make sure everything is within the remit, and certainly, from a broad perspective, the subject matter of these recommendations deal with these security, resiliency and stability issues.

I just also want to make sure we are not being internally inconsistent in the way we're talking about abuse and the terms we're using. And in fact that's one of the things we were being critiqued on, for being imprecise. It's a founded critique: that we're referring to abuse in a lot of different ways. So, something for us to work on together, but I agree with you on --

CARLTON SAMUELS: Yes.

LAUREEN KAPIN: -- your thoughts about consolidation. I think you're exactly right, these can be consolidated.

CARLTON SAMUELS: Yes, let's do that. I take your point. Let's just make sure that we sweat the details and see what comes out of it.

LAUREEN KAPIN: Okay. Sounds good. Other areas for consolidations? Do people have other thoughts on this? David, did you have any thoughts about our PMs? Because I did note that the consumer choice section had the recommendation 10 that deals with rights protection mechanisms, and I know you have several recommendations -- I think that may be in the 40s -- that also deal with rights protection mechanisms. So did you have any thoughts on that? [AUDIO BREAK]

I can't hear you if you're talking, although I'm not sure you are talking. Did we lose you? I don't see your name here anymore. I may be talking to a ghost. I know you're in the chat. Okay. Well, I think we may have lost... are you back?

CARLTON SAMUELS: No, he left, I think during the --

LAUREEN KAPIN: He left. Okay. Okay. Okay. Then, just for notes purposes, let me note for possible options for consolidation that David should take a look at recommendation 10 and consider whether that can be combined in any way with recommendations 40-42. And maybe just for the sake of completion, Jean-Baptiste, you can also put in our notes Drew's recommendations to combine 19 and 34, about the DNS study, and 38 and 39 about the picks. So 38 and 39. And, just for clarity, David's are

about rights protections mechanisms. I find it easier to have a parenthetical about subject matter.

And then, Carlton's are really about—I think they're really about complaint mechanisms. That way, when we have our action items and notes, we have a record of what our thoughts are. Does anyone else on the line have thoughts about opportunities for consolidation? I see Fabro is typing, so I'm going to wait to see what he says. "No consolidation for my text." Okay, that's fine. That's fine. And I'm not recommending that everyone is going to have things to consolidate. Okay.

So, can we go back, then, to my initial email? Okay. And I'm losing connectivity, although you still can hear my voice. I'm wondering if this is going to reconnect. Okay, now it's reconnecting. Okay, great.

For my part, essentially 25 to 30 are all dealing with highly regulated gTLD's, and in fact, even on the public comment shelf, these were lumped together. So, I'm going to take a hard look to see if there is an orderly way to consolidate 25 through 30 as well, and that will be an action item for me regarding recommendations 25 to 30, which deal with highly regulated gTLD's, to see if they can be consolidated.

And what I would say to folks also, when they're looking at things to consolidate, think about the priority as well. Especially if there are inconsistent priorities. And think about what priority is going to pertain to the newly consolidated recommendation.

Recommendation 14 is pretty distinct and also generated a lot of comments. I don't see that as being combined with something else.

But 16 regarding the impact of restrictions, that likely can be consolidated with some of our other recommendations that deal with studying restricted gTLD's. So, I'm going to have that as an action item for myself too, to consider what other recommendations 16 perhaps can be molded into. [AUDIO BREAK]

So does anyone have any questions or comments on my proposal for consolidation? And can we add, Jean Baptiste, an action item for me regarding recommendation 16 to consider combining that with other recommendations dealing with registration restrictions? Great.

Okay, any other comments or questions on the consolidation? Okay, I'm not seeing any hands. Then what I would like to do is just briefly go over the other tasks and then ask you, Jean Baptiste, for a bit of a refresher on some of our internal deadlines. Particularly, in light of our discussions about the new date for the DNS Abuse Study and how that's going to impact our timeline. So, I'll start off by talking about these additional tasks, and then we'll move to a discussion for some proposed deadlines in light of the milestones we need to meet.

So, the second task that we're going to need to tackle concerns rationale. And generally speaking, the comments indicated a desire for greater details particularly, about benefits expected for the recommendations, and related to that is making sure that for each recommendation, we describe what the measures are for success. If this recommendation is successful, what's going to happen. What sort of impact will it have. And then, finally a clarifying request, to make sure that we're identifying to whom the recommendation is directed.

So, the ICANN organization, the PDP working group, registries, registrars, etcetera. So that was the theme of the public comments.

We also did get requests for trying to detail the costs, but I think there was consensus that said it's going to be very challenging for us to really detail the costs and that perhaps the ICANN organization and/or others would be better positioned to do that. But we certainly can provide greater detail about what we anticipate the benefits of our recommendation would be. So that's number two. Any questions on number two?

Okay, for number three, data collection -- oh, Jean Baptiste, go ahead.

JEAN-BAPTISTE DEROULEZ: Yeah, Laureen, just to complete what you just said. I just wanted to mention that just after the Johannesburg meeting, I shared some tools as well to help when rewriting the recommendations, and I'm more than happy to put that on the wiki or share it again via email if that helps.

LAUREEN KAPIN: That would be helpful maybe, perhaps, if you could send it around again.

JEAN-BAPTISTE DEOULEZS: Yeah, sure.

LAUREEN KAPIN:

I think that would be helpful. I don't know about other people, but I haven't been using the wiki much lately because I found it challenging to figure out, where things that I'm wanting to find are. So I've been relying more on emails. Maybe we could create a dedicated space for revisions for the preliminary draft, and then put the public comment shelf, for example, your earlier version which also included our action items. And then the IETF guidance on should, shall, may etcetera. And your helpful comments on rewording the report.

Yes, if we could put it all in one place with a very clear heading, you know, "Revisions to CCT Preliminary Draft" or something akin to that, that would be helpful because then I would have my one stop shopping area, so to speak. Does that make sense?

JEAN-BAPTISTE DEQULEZS:

Yes, it makes sense and if you or anyone else has questions or suggestions on how we can make the CCT wiki more friendly, just shoot me an email and I will be able to guide you or answer that.

LAUREEN KAPIN:

Thank you, I appreciate that. I appreciate that. Good. So, that's number two. Any other questions on number 2?

Okay, so, number 3. This is for data collection, which again many of our recommendations involve. Many of the comments basically ask, at least it shows they were skeptical of it rather than supportive. What are we doing this for? Why should we do this? So, even though it may be apparent to us, because we're immersed in these issues, we still have

some more work we can do to making sure we're communicating to our readers why we think this data collection is important, why is it important, what is the reason. And we need to do that for each recommendation that involves data collection.

And then related, especially from the ICANN organization, we really ask to consider any overlap with existing ICANN initiatives. And I think the parenthetical there is -- and consider if we really want to make this recommendation about data collection if in fact ICANN is already doing something similar or related. So for all of us with data collection recommendations, we should look back to the ICANN organization comment and really consider whether existing ICANN initiatives already do what we're recommending should be done.

And I'm not saying to accept the organization's input at face value, but what I am saying is we should be taking a hard look and asking questions to see if the fact that there are related initiatives, if that makes a difference in what we're going to be recommending. And I'll call out some specific initiatives that were identified in the ICANN organization's public comments, the marketplace health index, the -- I love these apps, STARS, which we had some presentations on, I believe in the ICANN meeting.

The Data Abuse Activity, reporting system and then [inaudible] which is the -- goodness, it's the health index, but it's not the marketplace health index. All these acronyms are quite duplicative and confusing. But, I'm getting the acronym correct, it's not the words related to it. Those are at least -- STARS, the marketplace, [inaudible], those are at least three

initiatives that we should be considering when we're making our data collection recommendations. Carlton, I see that your hand is up.

CARLTON SAMUELS:

Yes, hi Lauren. This data recommendation is the one that kind of [inaudible]. Here's the thing, we have not asked for anything -- first of all, I think we opened ourselves up to the criticism when we decided we were going to make recommendations that were data driven. I think that's the only thing that's different. Every classification of the data, [inaudible] or abuse are actually required on the Spec 11 in the registry agreement.

What had happened is, and you can see from the barest initiatives that are pointed to those ongoing and collecting data like the [inaudible] the marketplace health index and so on. What has happened is that the curation of the data that is collected is not in [inaudible], it is not handled properly, so, the gaps that we see in data collection that relate to competition and so on, yes, I agree with that, there are gaps, but for the safeguards, in my opinion, if you look at what the Spamhaus and those organizations that chase abuse; if you look at the kind of data sets that they collect, and you look back at Spec 11, I think it is difficult to argue that there has been any concerted effort in the ICANN organization to collect the broad spectrum of data that is required to show compliance on the Spec 11. I am absolutely clear that there is no contradiction to that.

So first of all, if we were collecting the data faithfully, as prescribe on the Spec 11 of the registry agreement and we were curating that data,

we would probably have a harder case to make. About why you're collecting the data. Secondly, we know that there's a big whole in data collection of both competition. I am not an economist, and I went to a local school of accounting, but it seems to me that if you're going to talk about competition and you don't find a way to include pricing data in describing competition, then that is -- it's weak, and that's the best I can say about that.

The curation collected, what you collect and how you store it and how you make it available, how you report it, they are going to address that with these accounting reporting systems that they're building up. And yes, what we have to do is to ensure that the gaps that we see in data, and we've identified in data collection efforts, those are addressed. And I think they can be addressed without a lot of time there.

If you look at the reporting system that they're configuring now, and you just do a data profile; by that I mean, if you say, here's what they are collecting, what kind of data will allow them to make authoritative pronouncements about these things. You will see that most of what we're asking for will be curated and collected for those systems.

I don't think that there is too much for us to go into. It seems to me that it's a little bit overblown about we want to demonstrate why we are collecting the data and so on. Look at Spec 11, it's all there. If you talk about competition, which is [inaudible] not part of the dialogue, tell me how you go and collect competition and make pronouncements in competition without having priced data. I'll be very interested to hear that. Thanks.

LAUREEN KAPIN:

Thanks, Carlton. Just in terms of focus, of course, we're only talking about the trust and safe cards issued today. I appreciate your points about competition and certainly feel free to pass them on to Jordan, also, who I think is going to be focused on these issues. But I think as to your general point, what I'm hearing is that you have a healthy skepticism for any attempt to rebuff our data collection efforts by saying, oh they're already doing it. And I think your point is, well if they're already doing it, then they should have no objections to our recommendations. Which is certainly a logical inference.

I think in terms of the way we respond to the rationale for the data collection, if the contract provisions for example, Spec 11 in the public interest, commitments -- if the contract provisions themselves are the reason we're recommending the data collection, than I say we should be making that explicit in our recommendation. But I don't think it's unreasonable for us to specify what the role and reason is for the data collection, even if it's merely the fact that this is what the contract requires. I think actually those are great reasons for recommendations, if the contract requires something and it's not currently being complied with or responded to.

So, that's sort of my quick response to what you said. But other questions or comments on the data collection task? And again, I'm having trouble with my connectivity which keeps cutting out. So if anyone is raising your hand now, I can't see you. And you'll need to speak up. But it looks like now I'm reconnected, hooray! It looks like hands are down. Okay.

So, task four is to review priority designations of recommendations, particularly those that identify prerequisites. Where we got disagreements in some public comments we're prioritizing something as a prerequisite to any subsequent rounds. So, this is just sort of a due diligence request to take another good thing about what we're considering to be a prerequisite. And then also to the extent you're consolidating and there are inconsistent prioritizations, figure out which one you think makes the most sense to now apply to the consolidated recommendations.

Five, we've discussed before, to review the entire draft report for usage of key terms like shall, should, must, may, and make sure that we're being consistent and using these words properly. And we have this reference to the IETF guidance on that topic.

And then finally, and this is something that Jonathan has raised, to make sure that our language of the recommendations can be adopted verbatim as written. So I think that's not a big task, but it's important because the Board isn't going to rewrite our recommendations. We're going to want to make sure they can be adopted as is, and then written in a way so that it's clear what we want during the implementation phase. So that's what that last, but certainly not least, task is in depth. Any questions? Any questions on 4, 5 and 6? Those are very specific, very specific tasks. [AUDIO BREAK]

Okay, then I think what I'd like to ask folks to do, in terms of initial deadlines, I really would like to get everyone's suggestions for consolidation by the end of the week. Because we can't go forward on anything until we have these consolidations made. So, I'm going to ask

people, and I'll send this also out it in an email, I'm going to ask people to get their recommendations for consolidation and a short email response, in writing, by the end of the week.

Drew has already gotten his in, in writing. What I will do, and what I'll ask Carlton to do also, is just send a quick email with their suggestions, just so we have that circulated to the group; that way, if anyone who wasn't on the call wants to weigh in, they can. And I'll ask you to do that by the end of the week, by Friday.

I don't want to move onto other deadlines now because I know the leadership team needs to also discuss more granular deadlines in our next call, which is happening tomorrow. So I'll leave this first deadline in place and then we'll move on to the others and hopefully get out a work plan shortly so folks can govern themselves and their schedules accordingly.

And Fabro just sent his, because I think he has no recommendations for consolidation. Does anyone else have any questions or any other business? [AUDIO BREAK]

Okay, it doesn't look like it. So, in that case, I will wish everyone a great rest of the day, and thank you for participating in the call and your good work; and your continued good work. Have a good one, folks.

JEAN-BAPTISTE DEROULEZ: Thanks, Laureen. Have a nice day.

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