ICANN Transcription – Abu Dhabi

GNSO- Commercial Stakeholder Group (CSG) Open Meeting

Tuesday, 31 October 2017 10:30 GST

Note: The following is the output of transcribing from an audio recording. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

On page: https://gnso.icann.org/en/group-activities/calendar

Andrew Mack: Okay if everyone is ready no one else wants to show up in costume I'd like to call this meeting to order. My name is Andrew Mack. I'm Chair of the Business Constituency and your notional host for the CSG open meeting. Let's as we do at every meeting if we can go around the table and to the audience very, very, very quickly just say your name and your organization and perhaps your constituency so that so we know who's in the room and please Emily.

Emily Taylor: Emily Taylor. My constituency is RRSG. And I was formally co-chair of the SSR2.

Eric Osterweil: Eric Osterweil. I'm co-chair of SSR2.

(Olvan Shine):   (Olvan Shine), ICANN org managing partner (remote participation).

Denise Michel: Denise Michel, Facebook.

(Luke Oterebero): (Luke Oterebero), (Unintelligible) ICC.

Griffin Barnett: Griffin Barnett, Winterfeldt IP Group IPC.

(Omar Ensari):   (Omar Ensari), Technician in BC.

Mark Trachtenberg: Mark Trachtenberg Greenberg Taurig, IPC.

(Christian Bach): (Christian Bach), inside the BC.

(Vic Tomo):   (Vic Tomo) runs ISTCP.

Steve DelBianco: Steve DelBianco, Business Constituency.

(Alab Hold):   (Alab Hold), BC.

Jimson Olufuye: Jimson Olufuye, Aficta BC.

John McElwaine: John McElwaine, Nelson Mullins, IPC.

Wolf-Ulrich Knoben: Wolf-Ulrich Knoben, Chair ISPCP.

Andrew Mack: Andrew Mack and Global BC.

Brian Winterfeldt: Brian Winterfeldt, Winterfeldt, IP Group incoming president IPC.

Kiran Malancharuvil: Kiran Malancharuvil, Winterfeldt IP Group, IPC Secretary.

Barbara Warner: Barbara Warner US Council for International Business with the BC and the BC's representative to the CSG.

Marilyn Cade: Marilyn Cade BC mCADE LLC.

David Taylor: David Taylor, IPC.

Heather Forrest: Heather Forrest, IPC member of the GNSO Council and current Non-contracted Party's House, Vice chair of the GNSO Council.

(Patrick Chung): (Patrick Chung) IS PI representing the recording industry, IPC.

Lawrence Olawale-Roberts: Lawrence Olawale-Roberts of Microbots with the BC.

Anne Aikman-Scalese: Anne Aikman-Scalese, IPC.

Christian Dawson: Christian Dawson IT Coalition IS PCP.

(Jim Smith): (Jim Smith), BC.

Jay Sadowski: Jay Sadowski, i2Coalition BC.

Alex Deacon: Alex Deacon, MPAA IPC.

Jonathan Matkowsky Jonathan Matkowsky, Risk IQ IPC.

(Oliver Dahone): (Olivier Dahone), ISPCP.

Osvaldo Nova: Osvaldo Nova ISPCP.

Woman: And then we have a mic here for…

(Makmuhd Matuf): (Makmuhd Matuf) BC.

Margie Milam: Margie Milam, BC.

(Mark Betterfield): (Mark Betterfield), BC.

(Gloria Selier):   Gloria Selier), TNT BC.

(Martha Katebru): (Martha Katebru), (Etno) IS PCP.

Susan Payne: Susan Payne, IPC.

Nick Wood: Nick Wood, IPC.

Dana Brown: Dana Brown, Northcott IPC.

(Chris Casavele): (Chris Casavele), IPC.

Norm Ritchie: Norm Ritchie, SSR2.

(Zach Kates):   (Zach Kates), SSR2.

(Charlene Leroux):   (Charlene Leroux), IPC.

Statton Hammock: Statton Hammock, BC.

(Graham Krishna):   (Graham Krishna) from SSR2.

Paul Mitchell: Paul Mitchell, BC.

(Nota Lamine):   (Nota Lamine), SSR2.

(Alaine Iena):   (Alaine Iena), SSR2.

Elisa Cooper: Elisa Cooper, Registrars Brandsight.

(Sam Laray):   (Sam Laray), Axa, BC IS.

Mark Wilson: Mark Wilson, Axa BC.

Andrew Harris: Andrew Harris, Amazon BC.

Andy Abrams: Andy Abrams Google BC.

Chris Wilson: Chris Wilson Amazon BC.

Cecilia Smith: Cecilia Smith 21st Century Fox BC.

Susan Kawaguchi: Susan Kawaguchi BC.

Faisal Shah: Faisal Shah, BC.

(Owen Krizig):   (Owen Krizig), SSR2.

Man: (Unintelligible) SSR2.

Jennifer Rice: Jennifer Rice, ICANN org.

Steve Chan: Steve Chan, ICANN org.

(Alison Ensen):   (Alison Ensen), ICANN org.

(Frima Sungatta): (Frima Sungatta) (unintelligible) PCP.

Petter Rindforth: Petter Rindforth representing (unintelligible) and IPC.

Chuck Warren: Chuck Warren, Overstock.com BC.

Marie Pattullo   Marie Pattullo, AIM European Brand Association BC.

(Mali Shutso):   I'm (Mali Shutso) NCRC (unintelligible). I'm not part of any constituency as yet.

Claudia Martin: Claudia Martin NCLVMH.

Alistair Payne: Alistair Payne, Acuities IPC.

John Berard: John Berard with the BC.

Andrew Mack: Fantastic is there anybody - oh yes please people who are remote.

Paul McGrady: This is Paul McGrady (unintelligible) for the IPC.

Man: And we also have (Marta Groli Gibatta), (unintelligible) ALAC to SSR2. Lori Shulman, IPC Treasurer, Gabriella Schittek, BC. And Greg Shatan IPC. That's it.

Andrew Mack: Okay great. So without any ado thank you all for modeling good and short introduction, been a lot of discussion of the SSR2 and the team where we are and the update on what is happening with that. We have representatives from SSR2 Eric Osterweil you – you've got the floor. Walk us through where we are and the issues that you're seeing and give us an update if you would?

Eric Osterweil: Thank you very much. This is Eric Osterweil. Could we get the slides up please? Great thank you. So yes thanks for having us in to speak with you today. I'm going to go through a reasonably quick update of where we are. I'll try to be sensitive to time and give time for feedback if you all have any.

So next slide please. So the starting point where we basically began and kind of have framed our perspective so far is sort of the simple observation that

across the entire ICANN community, security stability and resiliency really underlies pretty much everything that happens here.

And so that was really our default perspective and is sort of we began with saying to ourselves as a team, you know, where are we as a community? Where are we in general? And so we're one of the four mandated review teams that and in our case is mandated to be convened every five years.

We're the second SSR team so necessarily part of our job is to take a look at how SSR1's recommendations were implemented.

Next slide please. But needless to say all of our scope and perspective has been driven by our reading of the bylaws. So on this slide we've just basically summarized what you can read in detail in Section 46C of the bylaws. But in general our sort of starting point is to sort of examine and assess what extent ICANN has implemented security stability and resiliency across the identifier space for which it has remit, the effectiveness of these security considerations and, you know, you can sort of read the slide but, you know, how robust this is done and like I said a second ago the extent to which the previous team's recommendations have been effectuated.

Next slide please.

Man: (Unintelligible).

Andrew Mack: So you probably surmised from what I just said that sort of the breath and the scope of those statements is very large. And so that necessarily required us as a team of, you know, 15 people to do quite a bit of review.

So we've, you know, we've delved into documents, we've had briefings and, you know, we've been very fortunate that our team is comprised of people with a great breadth of background and skills because it's been critical as we've looked quite broadly.

And we take our job – our responsibility very seriously. So we have spent time being conscientious, being thoughtful, being thorough. And it's all been geared towards trying to produce a report and ostensibly recommendations that are meaningful. Needless to say this has not been a quick process.

Next slide please. So here you have a list of our team members. You can see that the affiliations and the reasons we represent are pretty broad. In addition there's a note at the bottom.

We've had two people that have had to step down for a couple of reasons but for completeness you can see their names here. I'll let you guys reflect on this separately.

Next slide please. So jumping right into it our first status we basically started our work by identifying five categories that we thought we could break our concerns or our objectives down into the first of which is assessing the 28 recommendations that were issued from the first SSR2's team final report. The next one was to assess the ICANN's key security and stability and resiliency activities. It's sort of inward facing.

The next one was SSR implications across the domain name system and the unique identifier set for which ICANN has purview so are more outward facing of the same types of concerns and interests and investigations.

And then the fourth one sort of can read kind of prosaic but to just sort of give some insight into what we were doing with the fourth Futures Team was to try and do something so that the report that we would – that we will eventually issue is not a retrospective that only looks backwards but has some sort of general meaning and sort of the near for future.

So for example the last support was five years ago and a lot has happened in between and so we don't want to try to predict the future but we wanted to be

sure that as we went forward and did our SSR review that the things we considered weren't necessarily only backward looking. And then finally with the IANA transition we wanted to basically do an investigation of the impact that the IANA stewardship transition had on SSR.

Next slide please. So here's a really quick timeline of where we were, where we are and where we would like to be. We kicked off our first face to face meeting as a team in March 2017.

We delivered our terms of reference which included a clear scope statement in May 2017 to the board. And then between May and September we've been in sort of a collect and analyze sort of our research phase. And this is where we've done a lot of document review, had a lot of briefings, et cetera.

And as we've sort of mostly kind of gotten through what the bulk of that seems to be we're now in the sort of the formulation of our findings phase. And, you know, as this sort of research goes there's a certain amount of iteration as we find things we may need to go and look for clarity elsewhere but for the most part we're sort of moved on to the formulation phase. Our anticipation is to do drafting of a report in early 2018 and after public comment issue a final report to the board and then subsequently board action.

Next slide please. We've had a number of key milestones. I'll kind of go through this kind of quickly in the spirit of time. I believe this deck will be available to everyone for – from a detailed review. But, you know, we've had briefings with a number of people.

We've identified these sort of subtopics that we wanted to delve into. We've done – we've been speaking about having a gap analysis consultant engaged. And we're actually reviewing whether or not we want to sort of continue with that path or not.

Like I said there's a certain amount of iteration that one necessarily goes through with the investigation. So, you know, that's just sort of like where our head was that a little while ago.

And then we come to here ICANN 60. Next slide please. So what are we doing here? We're meeting with everyone including you. And this has been something that we've been looking forward to for quite a while, you know, reaching out and hearing and getting input from the community. And ICANN 60 has been one of the things that we've been looking forward to for quite some time.

And our expectation is that, you know, while we got here a day early and we met and had a very productive session on Friday before the meeting we are sticking around and having another face to face team meeting on the Friday afterwards upcoming so that we can do a review of the input we've gotten from everyone that we've spoken to.

And we're very keen to keep this conversation going in general. So whereas, you know, maybe so, you know, we don't want to stop getting feedback here.

Next slide please. So I told you kind of briefly where our team is at and where our heads are at but now we would really like to kick it over to you. Like I said one of our I'd say our primary if not yes primary objective our very much main objective in ICANN 60 here is outreach to you, hearing from you, being guided by you and all the other community members that we come across this week.

So we're happy to take any kind of input you're all willing to give us. But to kind of structure the conversation if it's easier we thought one very simple question that maybe would prime the pump is if you all had just one issue that you could point us at, one thing that you could tell us was important to you in a SSR context what would that be?

And next slide I think that that takes us to the end. There's a bunch of additional material in this deck so I would really encourage you all to take a look at it including there's some coordinates in there for reaching out to us afterwards a mailing list, our wiki page, et cetera, that even if I showed you I would read it to you.

But, you know, feel free to check it out. We definitely want to hear from you going forward. So with that I would very much be interested in anything anyone would like to tell us. Thank you.

Andrew Mack: Thank you very much Eric. And I'm looking for comments from the floor? Yes Steve please.

Steve DelBianco: Thanks Eric, Denise and members of the team. It's Steve DelBianco. I've put into the chat in the Adobe room the part of the bylaws that requires you to look at the implementation of the prior SSR team's recommendations. So you didn't make that up. It's required in the bylaws and I also put into the chat the other requirement from the bylaws for the scope of looking at SSR.

And it certainly seems based on what you've shown us so far that you're trying to figure out how to do exactly what the bylaws require. The bylaws also list several things that you also may look at that would fall into the area of scope and wondering whether you believe that you've gone beyond what you shall look at and have you even started to look at some of the things that you may look at for the bylaws? Thank you.

Denise Michel: This is Denise Michel. I was appointed to the Security Review Team by the GNSO and I'm a co-chair along with Eric. So we - our terms of reference model the bylaw mandate extremely closely. And we are 15 members. And as ICANN groups do we operate by consensus. The terms of reference was a consensus document.

The scope and the activities they we're engaging in are heavily influenced by the 28 recommendations because that's a requirement. But it's also influenced by the judgment of 15 different members of the team and their – and their best judgment as to which of the various areas of security, stability and resiliency merit the team's investigation and discussion. Does that answer your question?

Steve DelBianco: Yes that was great. Thank you. And thanks for volunteering in yet another difficult review team. These are extremely challenging to do even in the best of circumstances.

And I appreciate and feel badly that we've had confusion and concerns this week that you're trying to work out with respect to composition structure and process.

Yesterday at the public forum I did intervene to make it clear that it's the community review. So the community is the one who would hit the play button pursuant to the board asking for a pause button.

And the board reiterated that it's up to the community -- and you represent the community -- it's up to the community to determine when to presume your activities. But thank you for your service on this.

Andrew Mack: Great. Thank you very much Steve and Denise. (Fiona) and then Wolf-Ulrich.

(Fiona): Thank you very much Andrew. My quick question to the SSR review team, I have sat in two of your sessions where your present. But I think the one thing that you're not sharing with us is your time frame.

And I think that will help us significantly to be able to understand how you're planning to do the work because you've shared how the work is divided. But how long are you giving yourselves because I think considering when the work began or sorry I think this is not audible from (unintelligible). Yes okay.

So then you're expecting the you will have the final report 2018. Any idea of when because then if the review takes two years then how long are we giving ICANN to implement so that it's possible to review the recommendations of your review and how does it implement it when the next review is done so that we are not in a cycle of just having reviews without looking at how they are – the additional recommendation is happening. Does that make sense?

Denise Michel: Thank you (Fiona). Denise Michel for the record. We don't control the timing or pace of the reviews. That's really up to the community to decide. In terms of our schedule your guess is as good as mine. We've been suspended. We had a face to face meeting all day meeting the second one here in Abu Dhabi scheduled for Friday.

The board said that we could discuss the input we've received this week. Aside from that I guess we'll just sit around and wait for white smoke from the community because we're really not sure.

So this schedule was a previous schedule. We're going – we – it sounds like we're going to be not – that we won't be able to use the very precious face to face time to further advance our work which is a real shame because you know how rare those face to face work times are.

So if we are working on Friday that will delay our work even further. And we don't under – we don't have clarity on what will happen to the suspension, who lifts it, how they lift it and when they'll lifted so our work plan also has to be on pause.

Andrew Mack: Okay. Thank you Denise and understood about the scheduling challenges. Wolf-Ulrich?

Wolf-Ulrich Knoben: Thanks, Wolf-Ulrich Knoben speaking. Just one question and then a comment one question with regard to your timeline as well and in terms of

reference to understand that terms of reference has been delivered to the board. Did the board in any sense react to that? So it's an approval given by the board or what happened with that? That's the first question?

And then also well to follow-up is Steve's remark on the question how to move forward. You know, we – as you have heard yesterday from (Jolene) that it's up to the community to move forward. What is a community? What are the – is this really just the SSR2 Review Team, you know, the community in this case or how we shall as a CSG as stakeholders, as constituencies behind that dive in and help to solve the problems? Thanks.

Denise Michel: Yes I'll - this is Denise again. I'll start off on that. Refresh my memory, we delivered terms of reference to the board in May. Was that right?

Woman: Yes in May we delivered the terms of reference to the board. In late June the board sent us a letter. They made suggestions regarding a work plan and budget which the SSR discussed and shared views with the board appointed SSR2 member.

They asked staff to provide a different terms of reference template than the one they provided us and asked us to use. That still has not been done so there's been no change in the terms of reference template. They asked the SSR2 too redefine the word security. A - that's a community vetted definition that has been used for many years as part of the community the security framework.

The board appointed SSR2 member had previously suggested that this be included in the terms of reference but it was not supported by most team members and thus was not included in the terms of reference. The board also asked for the minimum number of dissenting review team members required for minority views to be posted in the final report. Our terms of reference really states that the SSR2 is following the GNSO's practice and which

means that of course that any member is free to offer a minority review. That's it.

Andrew Mack: Great. Brian you are next in the queue.

Brian Winterfeldt: Brian Winterfeldt, IPC. I just wanted to express my personal concern for what happened here and again thank you all for your hard work. I am concerned by the board sort of seemingly invoking this support of SOs and the ACs in this decision while at the same time it doesn't really seem like certainly from the CSG -- and I welcome any comments from anyone here -- that there was an origin from us that we thought there were serious concerns and that this was something that needed to be taken.

What are the steps that you might suggest that we could do to show that RSG, you know, does support the work that you're doing and that we were not responsible for supporting the board or spurring them to move forward with this sort of unprecedented move?

Emily Taylor: If I may it's Emily Taylor. I was one of the co-chairs of the SSR Team I stepped down in the summer for reasons of conflict with my own consultancy business and some (unintelligible) reasons. I - Brian thank you. And the reason I traveled to Abu Dhabi was to show solidarity to the team members who I think have been treated appallingly.

And I also, you know, to your question I think that this is exactly the question that this group should be debating is how to, you know, was this done in your name and if not what do you do about it? These are community reviews. They are not board reviews.

And if – and see the members of the team who have been serving as volunteers the community are ready to receive your direction and if you think this team is going off in all the wrong directions then please help to guide this team.

If you want to show solidarity for the volunteers who are giving of their time who are managing very difficult wording in the bylaws which describe an enormously wide scope then I think some sort of public statement to the board would be really welcome because I'm sure there will be different views around the community. And the whole point of these meetings where we're all gathered face to face is to hear those voices.

But if the community doesn't make its voice heard then things will be done in your name by the board as we are seeing. And I think that should shows an incredibly poor precedent for the post IANA transition accountability framework.

Andrew Mack: Yes Wolf-Ulrich?

Wolf-Ulrich Knoben: Thanks very much, Wolf-Ulrich Knoben speaking. So it seems to me it's all about communication. So we have from the GNSO we have I've seen the list of participants and in the members of the SSR2 team which was following a certain process not to be elected.

I must say we have never heard back, you know, in-between from the beginning from the SSR2 team up till now about any problem about these problems.

And so for me it seems to me it is this problem is not a problem which comes instantly up. There's a history of it, you know, this is a developing of it. So I would have expected that at least while in Johannesburg or where else you have met or so that members from the SSR2 team related to the GNSO come back then and bring up problems if there are problems.

So if I don't hear that, you know, from as a constituency member so I cannot react, I cannot follow on these problems. This is one problem with the communication.

The other thing is which the board accepted yesterday and chairing official as well saying, "Okay it's also a communication problem with us. And we are going – we would like to learn, you know, as we now have a saying, you know, with a new process with regards to the implementation of the new bylaws." And so that's makes me really not happy, you know, about that - this all, you know?

So we should find well to move that forward a way that how to push that forward. Do we leave it to the team right now really to move ahead because we are seeing this is a community (unintelligible) or should we chime in and think - have a discussion with them with - especially with those members or those groups who have interfered and with this issue so that it comes up here? And how should we deal with that?

So I think it's a kind of ping-pong between the board and the community right now so and I would like to have that solved. Thanks.

Andrew Mack: It seems - thank you Wolf-Ulrich. And it seems like we're getting a little feedback so if the powers that be could check that out. Thank you very much. The issue of communications in this new era is definitely an important one. Steve?

Steve DelBianco: Steve DelBianco. The – during the CSG interaction with the board which comes up next the BC during our portion of that interaction will certainly probe on this as we did at the mic yesterday in the public forum and acknowledge that the bylaws require the chairs of the ACs and SOs -- that's the definition of the word community -- with regard to setting up the composition of a review team. The bylaws require them to do that.

So for the purpose of people in this room that's the chair of council which our procedures say that the chair of council represents the GNSO as one of the ACs and SOs. So Wolf-Ulrich it's up to the three constituencies here in this

room as well as the other constituencies in GNSO to give James Bladel and then Heather within a few days some direction on what GNSO which is one of seven ACs and SOs should say about resuming and hitting the play button should say about whether the team has enough people and the right skills on it and whether the scope is appropriate.

So very challenging for us to get an answer to James and Heather in the next few hours let alone the next few days. And the frustration that creates for the team is about how to proceed. So (doing) the bylaws call for the community and the community is defined as the chairs of the ACs and SOs so we have some work to do.

And then turning to specifics if Eric and Denise and the team are looking for specifics I would love to understand with respect to your plan what was the thinking that led you to want to get an outside consultant to assist in figuring out the extent to which the previous SSR recommendations were implemented? Is that a reflection that we didn't have enough information? We didn't have the right skill sets on the teams? Just explain that rationale since it helps the CSG appreciate why that particular step was taken?

Denise Michel: Sure this is Denise and Alaine or other team members may want to weigh in. The - it has – it took over – so the SSR1, the board adopted the SSR1 recommendations in 2012 and directed staff to implement them. They were not done with implementation when the SSR2 Review Teams started its work. In fact we did not have a completed final report on the implementation until a few months after we started.

And then after constant requests for briefings and material on implementation of the 28 SSR1 recommendations we were able to get some semblance of comprehensive information after a little - about - over five months into our review. So that's been a substantial undertaking and quite delayed.

Given all the other topics that the Review Team members were interested in exploring at the time the team decided upon consensus to have a gap analysis done by a neutral outside party as another useful point of input into the Review Team. You know, given the events that have occurred and the work that has progressed in other areas the team, you know, expressed a desire to rethink whether that's still the right course given the pace of our work. So that's all I have.

Steve DelBianco: One follow-up, was this a consensus decision of the Review Team members to seek an outside consultant and was there pushback from staff or the board on the expenditure or level of effort? Thank you.

Woman: So Steve thank you. This is Steve isn't it? I just couldn't see you. I can answer. I hope it's okay. Just from my perspective having been on the team until this summer when the decisions were made. You know, this is a good performance and I'm sure all of you will recognize that volunteer time is really is scarce. It's difficult to get things done and it's a recognition of trying to manage scarce resources.

Now the board has allocated quite a considerable budget to all of the - each of the review teams to do external work or to hold other meetings or to do, you know, to advance its work. And one possibility is that, you know, part of that budget can be allocated to just getting some help. It's not really a reflection of lack of skills or ability on the team itself. It's just a question of time and managing resources. That was my perception.

Steve DelBianco: And was it a consensus of the Review Team to do the RFP?

Denise Michel: Yes it was, not unanimous but it's certainly a strong consensus.

Andrew Mack: Okay. Thank you very much. Brian you're next in the queue please.

Brian Winterfeldt: Hi thank you. A quick follow-up question in addition to the board indicating that the SOs and ACs were pushing for this pause I note that there also was a letter from the SSAC expressing concerns about the SSR2's work. I'm wondering what communications I think it might be helpful for the CSG to know what outreach and communication you received from SSAC and what concerns they went over with you prior to the letter being sent to the board and being part of the impetus as well to the pausing of the groups work?

Denise Michel: This is Denise. The SSAC has never discussed any concerns or requested any additional information or provided any input as an advisory committee to the SSR2 Review Team. And – but we are – we do have an 11:30 appointment which - with SSAC today. So that'll be our first interaction with SSAC. So there was quite a surprise to see that SSAC sent a letter to the board without talking or raising any issues with the Review Team. And that's the situation we find ourselves in. We're really looking forward to hopefully hearing a full and frank discussion of what their concerns are at 11"30.

Andrew Mack: Great. (Matthew)? Yes that's you.

((Crosstalk))

Woman: (Unintelligible).

Woman: Already.

David Taylor: Yes (Matthew) you're up. David Taylor for the record not (Matthew).

Man: Yes (unintelligible).

David Taylor: No I was just going to say as a CCT Review Team member and when we watched this happen unfold it - I do have quite strong issues with it because when you put a lot of work in and you're doing all of this sort of thing and then suddenly the rug gets pulled from underneath or even if it is just a pause and

it doesn't seem to be with due process because it means one group or one stakeholder group can pull the plug of any accountability means we're sort of wondering well what - are we okay then? Are we going to have our plug pulled? We're pretty much full consensus on all of our recommendations bar one.

Does that mean if someone's not happy with one of the other recommendations and not the plug's pulled on us? And some of the recommendations we've got are going to SSR2. So it hinges on everything and you start thinking well do we hold back on those recommendations? Do we now hold and wait? So it's just, you know, quite concerning and actually that's all I wanted to say.

Andrew Mack: Okay. We have one other person wanted to speak on this and then David if I might since Jonathan wasn't able to - whatever your name is right, Mr. Taylor, if you might be so kind to give us a quick if you're able. So Jonathan's just here please.

Jonathan Matkowsky: Jonathan Matkowsky, Risk IQ. I just wanted to express concern with the lack of transparency by the board. I would expect to see the correspondences that led to this because otherwise the board can say they received objections when they didn't. I'm not saying that happened but that's not the way that governance should work here. There's a complete lack of accountability.

I would like to see the letter from the Stability Securities and Advisory Committee on wiki and made available to review. It's not there. I was looking forward to observing the team and getting involved and I'm very disappointed to see what's transpired and I hope we can rectify it in the very near term. Thanks.

Denise Michel: (Unintelligible) thank you. It is on our wiki that – which the staff maintains, probably difficult to find. I'll – I'm happy to send you a link.

Andrew Mack: Great thank you very much for an excellent conversation about this. Jonathan has just arrived to brief us and so we're going to pass the microphone to him as soon as his slides are up. We note this is a big issue that's going to be - SSR2 is going to be a big issue that we're going to be following for a while now. Can we get Jonathan Zuck's slides up please? Pleasure thank you.

Jonathan Zuck: I know time is tight so I'll just start talking. I'm Jonathan Zuck, the Chair of the CCT Review Team. Thanks for having us and I'm sorry if I was responsible for us starting late but hopefully not. I was just in discussion with the NCUC which as you can imagine is a different crowd than this one in terms of the conversation. I suspect the (emphasis) might be different here.

But we as you know released a draft report in the spring for public comment and we got many useful comments from the constituencies in this room. And we've begun the process of incorporating, clarifying, et cetera, on the basis of comments for our final report. In parallel to that effort there were some other instruments that were still in the field.

One was a kind of a cursory analysis about parking. One was about a report, a DNS abuse report which has been report for public comment and another was a survey that INTA had out to its members all of which had an impact on our final draft that has not really been vetted through public comment.

So we will be releasing immediately after this meeting an addendum to the interim draft for a truncated 30 day comment period just on those changes prior to submitting a prior report by the end of the year or very early in the next year in January.

I guess whoever's controlling the slides I would jump all the way ahead to parking because I've kind of zipped through things before that. So next slide, next slide. So I want to very briefly cover this because I think our conclusion is really that it's something that is an issue, parking is an issue that needs to be discussed beyond the context of the new gTLD program.

It's simply a truth that the majority of registrations in both legacy and new gTLDs are part especially given a fairly broad definition of parking and defining parking, understanding the impact that it has on the competitive landscape even on things like DNS abuse is something for the community as a whole and is not something directly linked to the new gTLD program per se.

So we found about 20% more parking in New gTLDs than we did in legacies but consider that not to be significant enough to suggest this fell directly under our purview. So most of our recommendation around parking is beginning the collection of more data around this so that future analysis can happen on a broader basis that just the impact of the New gTLD program.

Much bigger is the DNS and Rights Protection section. So I want to immediately skip ahead about three slides and had the microphone over to Drew Bagley to talk about DNS abuse. There you go.

Drew Bagley: Thanks Jonathan. And I'll just give a brief update because of our time crunch that we have here. As Jonathan mentioned we now have a draft DNS abuse chapter that will be available for public comments in the next two weeks or maybe next week perhaps.

And with the DNS abuse drafter what we've done is we've gone ahead and analyzed as a proxy a multi-year analysis of DNS abuse in New and legacy gTLDs to determine whether or not the safeguards put in place as part of the New gTLD program were in fact effective in mitigating abuse. Next slide please.

Steve DelBianco: Drew you're about to spill a highly conductive cup of coffee directly into an outlet.

Drew Bagley: Well a cup of water, cup of water.

Steve DelBianco: Highly more conductive.

Drew Bagley: Slightly. Thank you for the correction. So now that we've averted catastrophe the definition we used for the study which many of you may have seen because the study itself already went out for public comment period a couple of months ago but the definition we used were around areas of abuse from which there was community consensus and for which we had measurable metrics. So that focused on phishing and malware and then since spam is a delivery mechanism for fishing and malware the study also included spam.

Next slide please. We - the findings of the study showed that overall for the DNS as a whole the introduction of New gTLDs did not increase the total amount of abuse whereas there were distinct trends between New gTLDs and legacy gTLDs.

And so while size absolutely does matter, the size of the zone is very indicative of the affluent number of abusive domain names the rate of abuse in new gTLDs as a whole has been increasing over time.

So abuse is certainly not universal. There's some TLDs that are relatively clean or completely clean where there's some that are more have very, very high rates of abuse. But as a whole we see an upward trend with rates of abuse in New gTLDs even though we don't see an overall increase in the absolute number of abuse with gTLDs as a whole.

Also we see that there appears to be migration where spammers are migrating from legacy gTLDs to using New gTLDs to conduct spam campaigns. And then in terms of abuse that's unique to new gTLDs it appears that maliciously registered domain names are much more common in new gTLDs than legacy gTLDs where more commonly abuse takes place because you have legitimate domain names that are compromised. And tied back to the purpose of this study the findings really showed that the nine

safeguards put in place as part of the new gTLD program did not on their own prevent abuse.

Next slide please. Here you can see what I was talking about was some of those rates over time. So with regard to phishing you'll see spikes with there are specific campaigns going on but purple is New gTLDs and you can see it catching up to legacy gTLDs by the end of last year. Next slide please. And then similarly with malware rates at a certain point it surpassed, the New gTLD surpassed legacy gTLDs but there it had very similar rates at least as of the end of last year. Next slide please. And then here with spam we see a sustained trend where new gTLDs have overtaken legacy gTLDs in terms of the amount of spam as far as a rate.

Next slide please. And here are the top New gTLDs with as far as the highest rates of abuse. So abuse is something that's very concentrated in new gTLDs as I was mentioning a moment ago and not universal in all zones.

And next slide please. And so in terms of looking for characteristics that could guide us in terms of policy recommendations what we found was that there is absolutely a strong correlation between registration restriction and the degree to which they exist and the levels of abuse in a certain TLD.

We also saw so price was not – we were not able to use price as a variable for the study because we couldn't collect pricing data that would include discounts and all the permutations but looking reverse at the gTLDs as well as the registrars that were associated with the highest levels of abuse we found that they tended to offer very low price registrations, oftentimes would offer also bulk registrations too and so there seems to be a correlation that's worth further study there.

And then of note too we saw trademarks being used as bait for phishing campaigns. So there was one registrar in particular that was associated with I believe 83 instances of abuse in certain quarter and 76 of those instances of

abuse were actually using Apple trademark names such as plays off of iPhone. And then those domain names eventually appeared on phishing lists. So we're looking at potential proactive anti-abuse measures. That was something else we picked up on.

Next slide please. So as I was mentioning abuse is concentrated. Next slide please. And so very briefly so that David has an opportunity to speak on rights protection mechanisms, you know, I encourage you all to look at the draft chapter which will come out in the next week or two because we have made four recommendations, three of which we have a unanimous consent on the Review Team one of which we have a few dissenting opinions on.

But basically our approach with regard to this data is we believe that the community needs to take a carrot and stick approach to try to incentivize proactive anti-abuse measures to be adopted by registrars and registries and then to also enhance ICANN compliance ability to deal with those operators or registrars associated with high levels of systemic unabated abuse.

So that way especially now that we'll have data from the DAR initiative the fact that we'll be able to see specific operators that may have 90% levels of abuse we think that instead of waiting for individualized complaints to come in and merely waiting for individualized takedowns there should be some mechanism in place to proactively engage with that operator and determine if the operator is in fact enabling abuse or that, you know, a victim of abuse themselves and to deal with it. And then we also encourage the community to look at financial incentives such as fee reductions for those who adopt best practices to curb abuse.

And the next slide please. And then also we want data to be made available more regularly so that the study isn't something that takes place every few years. And so we want analysis to be published regularly as well as action plans when specific problems can be identified to help inform a data-driven policy approach.

And the last one, the recommendation for which we did not – back one please, for which we did not have unanimous consent but had majority consensus was that we recommend the creation of a DNS abuse dispute resolution policy that would function similar to the other dispute resolution policies within ICANN. And with that I'll - oh yes I'll pass to David but yes I'll take a brief...

Andrew Mack: Thank you very much. Yes we'll - today we're all Matthew Taylor. So Goran has joined us and so what I would like to do is to take if there are any quick comments or questions for the presenting team that would be great. Yes please?

Jonathan Mackowski: Jonathan Mackowski, Risk IQ IPC, great work. I have a question on the new proceeding...

Andrew Mack: Go ahead.

Jonathan Mackowski: ...whether it's been discuss how where that is going to come from since it's not open like to figure out the percentage of abuse at the registrar or registry level and to bring the proceeding. I was also thinking maybe it could be, you know, you bring the proceeding against the registrar the response of the abuse compliance. So if ICANN compliance is not able to handle it they can sort of step in and create a little more transparency.

David Taylor: Thank you for the question. Yes this is an intended to be a backstop in the event that ICANN compliance is unable to deal with an operator that's associated with these extremely high levels of abuse and so therefore you could have an affected party come forward after that point because they'll have to be, you know, the way we envision it that would be part of what they have to demonstrate is that ICANN compliance is not acted.

And then we have not been overly prescriptive with where the data would come from because we don't want to relegated to for example Darwin – DARS statistical initiative. So this is something so where I think the way we envision it would be you could use reputable metrics from the community that all of us use, you know, the operator use and the cyber security community uses and whatnot and then of course the responding party could rebut the credibility of those metrics and whatnot through the due process of this. But we do not see this as being tied to one specific data source.

Andrew Mack: Great. Thank you very much. Thank you very much to the team for we know is a tremendous amount of hard work. Then yes given that Goran is here and we have a precious amount of time I'm going to suggest that we take further questions to the list.

And without any further ado I'm going to introduce Goran. He suggested that he would like to make less of a speech and have us pepper him with questions and comments and so but I'd like to you to introduce whatever you'd like.

Goran Marby: Hi. Any questions?

Andrew Mack: Go ahead.

Goran Marby: Oh I think well, no questions.

Man: (Unintelligible).

Andrew Mack: That's a – yes Marilyn please?

Marilyn Cade: Thanks Marilyn Cade and welcome. Goran I - my question refers back to comments that you made and Steve made in the opening ceremony where there was some acknowledgment to some of the challenges that are beginning to emerge legislatively.

And the example you used I think was in the privacy area. But I – there's also a number of challenging pieces of legislation emerging and security in I think other areas like that. And I wondered if you might and just elaborate a little bit on what you and your team are saying in terms of some trends because I'm certainly seeing them as well but I think it'd be good to hear your view.

Goran Marby: Actually the speech here is which I call the road to hell is paved with good intentions. And I know formulate my brain to give a 20 minute speak – speech in two minutes. I mean the whole - first of all just do notice that ICANN org doesn't take sides in policy discussions from legislative proposals. So we get that out.

I'm – I have no intention of interfering and having an idea if GDPR is good or bad or anything's bad. But we can see that there are, you know, anecdotally we get information about things that could have an effect on the community's ability to make policies and that's sort of my stretching point, so GDPR discussions also in other parts of the world in Asia for instance.

You have discussions about distribution of numbers. You have hate speech discussions taking down the domains. You have – and sometimes it's sort of hard to know if it's actually about us or not. The traffic in (bill) on the Hill could be something that can have an impact. So take a step back now.

So my job then is not to make a decision out of this. My job is to try to figure out the mechanics how it could work so we could figure out a way of having discussions within the community and what we should do without being interfering in the political debate.

I think that at least we should be together with our, you know, ITF together with ISCO, together with the numbers community we should try to be in the room to say that that's a great idea or we think it's a good idea but that's not how Internet works or that's not how ICANN works.

Oh it's been - now and it's a learning process in the discussion about GDPR. I've been spending an enormous amount of time with people who understand (Flor) but has been saying things to me about the ICANN system. And I'm just saying that's not how ICANN works.

And we should have been in the room two years ago, three years ago whatever person said that. It doesn't mean that legislation would have changed but maybe some of the hurdles we have right now could have.

So I give an assignment to (unintelligible) write now and I try to figure out how – the first is how do we know about this? I mean it's easy to say someone talks about very specific things like a domain name but how do we understand some of the latest proposals around the world? It can have an effect because they often come under very good intentions.

We don't like people to be abused online. We want to increase security. We like - don't like encryption or we like encryption. So the first place is really to come in there. But how do we aggregate that information and share that with the community in an aggregated form so the community could be aware to of it and then how do we lead that discussion into something that could actually make sense for someone?

I could say that I'm know – I realize – I'm culturally very different from many discussions happening in ICANN because sometimes I asked the questions without having the answer. I know that is...

Man: Heresy.

Goran Marby: Heresy yes. But in this time I'm asking the questions to see where we can lead but that's sort of the intention of that and that's what I'm – so for instance on the GDPR discussions we're going to have on Thursday as I said go in with that from an n Internet sort of - well it's a - it's a policy discussion.

It's a discussion but it's also an Internet governance discussions. And I really want to point out that many governments are talking about this, are talking about it in very good faith. They are the Internet is sort of being - I mean for politicians around the world they now realize that Internet has an effect on society. And then many politicians think that they have the obligation to look in on the effects of that.

And that doesn't have to be negative. It's just a fact that it is there. But I don't of the answer so please don't press me on timelines and say that you're going to come back and I propose something. But that is what – that's the fourth process. Yes, that was actually but 20 minutes speech in about four minutes. I just want to point that out.

Andrew Mack: Well done. Before I asked my question I want to know if Brian or Wolf-Ulrich had something that they would like to ask or mention.

Kiran Malancharuvil: Hi. So I think that I do have a question but I'm still formulating it. So I will if you have your question ready...

Brian Winterfeldt: Yes sure. Thank you Kiran, sorry. One of the things that's – thank you. One of the things that we discussed in our CSG planning meeting for this was to understand a little bit more about the (huba buba) process and the future of it and your vision for it.

And specifically we're trying to make the ICANN community more open to newcomers, more accessible to newcomers to get them more of the right kind of information and to get more information out to community members so that they can participate more actively and be more prepared by the time the meetings actually happened so talk a little bit about provision for that.

Goran Marby: First of all I've been instructed by (Lordes) to not call it hubba bubba anymore. Thank you. They had some trademark issues apparently. Sorry.

Brian Winterfeldt: (Unintelligible).

Goran Marby: Yes apparently. I didn't know he still existed. I took something from my youth and apparently I'm still old but it has still existed. So it's called the - I think the official right now is flow shorts and manual. And you can now find as we posted a first version on the Web.

There are some that we are still missing and the reason for that is for instance we realized during the process that some of the constituencies didn't follow the written down charter. And instead of putting something on the Web that was actually not right we're going to update them after they change their charters.

And that's a good exercise in itself because if people don't look into some someone as how do you actually work and think that's the way and they actually don't that creates friction between the different parts of the community. I mean the whole, you know the story. It actually started with me sitting with (Teresa) in my office saying, "I don't think you understand how the processes work. Can you write it down?" And it took a year.

My – I mean if I have that questions maybe more people have those questions. So the intention of doing this is really to provide sort of a skeleton to describing the more multi-stakeholder model.

So what are my - then you can take a step after. What are my reflections of it? One of my reflections is how unconnected some of the processes are. And I often use the very good example or the discussion between ccNSO and SSAC when they had what ended up in the .EU in Greek thing what the board actually took a position on a couple of days ago because I asked myself and I am maybe negative.

I asked myself I have some fantastic competent and enthusiastic people whose really mad with each other. And then I always asked the question about why – and so when I started looking into it realize they were working in their own bubbles, following in their own charters and there was no real interaction in-between them.

So what actually happened is that (Ram) and (Chris) got (Katerina) and (Patrick) in a room spend about half an hour defining what the problem was and then they could start working on it. And that was an ad hoc thing and I don't like ad hoc things. I think that you have to build something infrastructure so results can be transparent and predictable.

And I think there is one other thing that I can (avoid) is that we probably when we start we start we do ad hoc things. We started a cross community working group ad hoc sort of. We say that we're going to have liaisons working with each other which is a good thing but could be seen how do we actually make sure the information flows between each other? So that's one of the takeaways.

The other takeaways is that you - I quote (Thomas Schneider) so if you don't like just blame him. You – the structure is absolute evidence that you don't have to be a government to be overly bureaucratic. I mean it's a very complicated system.

And if you combine not only the PDPs and you add on the reviews and then you add on the budget process and then you add on anyway even more reviews and then you add on the five year strategic plan process that's a lot and I am thinking for – I mean like this, it's your decision. I'm there to facilitate it.

But it's really, you know, when people when you're talking about fatigue in the community and the amount of people we have to have to support 11 running reviews which is a good thing but, you know, it's just that I think we've added

a lot of stuff without taking anything away and we complicated things. That's another thing. But it's really your discussion.

And then of course as you know we figured out places where we actually didn't know what to do. In the process we ended up in places where we don't really know how to handle this from a – we can do it ad hoc which is not good but how do we do something transparent?

So we came up with the notion of impasse which is where maybe there is - we for instance we get something that we can't as - right an org where we can't implement for some reason.

One of them is the Thick Thin Whois which we made a decision on in the board because the uncertainty of GDPR. So we prolonged that for 180 days. And formally how do we actually make that final decision so do know there's an avenue to take those decisions?

Bureaucracy is not always bad. It's when you have a lot of bureaucracy there's bad because bureaucracy it can actually be transparent and predictable. So I'm from all of those things I – it's your discussion. It's you who makes the decision how to set those up. It's you who sets the procedures you want to work in.

But I had, you know, from my personal opinion I'm - if I speak not as the ICANN CEO you don't make your life very easy do you? So but it's there. It's for you. Use it if you want to. Have the discussion if you want to.

Andrew Mack: Thank you very much. I think it's official BC policy that we're generally anti-bureaucratic but and I think I would just like to add one thing which is as you talk about the different challenges I would only add to that that it is that much more challenging if you're trying to approach this community from a global south country in your second or your third or your fourth language. And so

anything that we can do to make this simpler to follow is good news for the community without question.

Goran Marby: Sorry for you're for taking (unintelligible). One of the decisions we made is that we're now going to build a document documentation management system. It's yes I'm really excited we're going to build a documentation management system.

Actually I am because I don't know I sometimes there's problems on finding material at icann.org. I – maybe you share a little bit. And the problem is we never put any label on any documentation.

So we're going to spend $8-1/2 million over the next three or four years. And in the end we actually - just to share with anyone who thinks that's a lot of money in the end we're going to take down costs through other things we do. So in the long run it would actually cost to actually save some money.

But it will take three or four years to get there. And the reason is we have 110,000 documents or something lying around in a big hole.

And now we are building a taxonomy for that and we're going to put something in. We have to run that frame with artificial intelligence to trying to find threats so we can set information together.

And the idea is that you come in and you click your board resolution and when you click on the board resolution you can find all information that is connected to the board resolution from the beginning to the end.

That means that we also have to rethink a part of how we all today are running 35 different Web sites for a different part of the community with their own databases and stuff so there's a lot of rethinking to do.

But the whole idea – and that is also making things searchable in all the UN languages so because today is really hard to fix that. And then someone will say but how are you going to do it with different (grid) stuff and I don't have the answer for that but always speak to (Ashlyn).

Andrew Mack: Thank you. Wolf-Ulrich?

Wolf-Ulrich Knoben: Yes Wolf-Ulrich Knoben speaking. Thanks well for this and well and I'm satisfied with, you know, this going on the documentation system management system yes referring to as well as the flowchart and to make it positive (unintelligible) more transparent.

But with regards to the documentation management system I have a question regarding a project we had in the past set up. It's called an Open Data Initiative so which should allow while the community to get access to certain data which are on ICANN's service.

So it started I think is a technical department to be discussed but it is now it used to be - that it is stopped or it is to a certain extent well I've got a reference from people that it's not moving ahead. So my question is what is to be done with it? That initiative is the kind which is now going to be incorporated in the - what the challenge the document management system or how it's going on. Thanks.

Goran Marby: Well it's not stopped. We have spent a lot of time on the ITI initiative because that's a bigger work but we haven't stopped it. The problem is that we are still in the discovery phase. We don't know what data we have. We don't have - you know, we've been around for 18 years and we're storing data. So we are in the discovery phase.

The next phase we have to do is to figure out because the idea I have is that all of the data we have should automatically be free but it's going to be reflections on that for instance UDPR. For instance we don't - information that

can be deemed to be something that is exclusive for that person to have that data with.

We don't have an enormous amount of data in that sense to - for instance we talked about the dark project dark - I can't remember the name. All the data is in there it's actually public data. We don't have any internal data in that system at all. We actually buy data to be able to do that.

So but we're going - so first we're trying to figure out the data and then we're going to put the data into some sort of the same database so there is an API on it and then we have to look at upon it from which case that we can share and structured in such a way that's understandable. I could admit it's been and to some extent it's taking too long.

I'm not update the last one but it still hasn't stopped. I just want to say I have 11 minutes and I have a really hard stop today. So if we could - more question.

Man: (Unintelligible).

Kiran Malancharuvil: Hi Kiran Malancharuvil, IPC Secretary from the Winterfeldt IP group. I have a question about the discussion of the SSR2 Review Team. I noted that…

Goran Marby: I could actually stop you there. I – that's a very much – I'm not judged on this but it's very much you should ask the board, not me and that - yes.

Kiran Malancharuvil: Yes. We will ask the board yes well...

Goran Marby: Not because I don't anything they do is always the best.

((Crosstalk))

Kiran Malancharuvil: Sure so my question which I – which I'm happy to withdraw was going to be specifically addressed to something that I understood came from your office and the organization which I thought was most appropriately directed towards you but…

Goran Marby: What is it?

Kiran Malancharuvil: …you know, I…

Goran Marby: What is it? What is it that…

Kiran Malancharuvil: …think it might – we'll just encapsulated into the board question if you think that's most appropriate.

Goran Marby: Well there you have the background to have the discussion. If there's anything that comes to - I mean what has come out of my office? (Unintelligible). When is that? I don't plan that long ahead. (Kassie).

Man: (Unintelligible).

Goran Marby: What am I doing at 1:30?

Woman: Sorry?

Goran Marby: What am I doing at 1:30?

Man: Board CSG. That's right board CSG.

Goran Marby: Oh I'm at the board CSG. Thank you.

Andrew Mack: Great. Jimson please.

Jimson Olufuye: Great. Thank you. This is Jimson Olufuye. I want to thank (Grant) for your constructive engagement with the African group recently. In that conversation you did say well there's something you're concerned about about ICANN not being planning in terms of planning not being able to plan ahead sufficiently or something like that. Is there anything the community can do in that regard in terms of planning and effective planning (unintelligible)?

Goran Marby: Oh sometimes I have to stop myself from making jokes and…

((Crosstalk))

Man: (Unintelligible) Australia.

Goran Marby: I sometimes say is that ICANN is the - an only organization I ever entered into or has a built-in amnesia. And planning has not been a part of our DNA and prioritization is not – that's with that said. So when it comes to your specific question one of the things we launched in Johannesburg which we're now working on is that we actually changed internally into something we called a region, or regional offices. And for the first time there we're writing a regional plan which we are talking to different stakeholders. I don't - this is the first time we've ever done this. So the plan is that from the Istanbul office now which is going to work with the Middle East and Africa we are forming plans because I have this idea that different regions of the world have different needs and therefore we should have different engagement.

We're still going to stay within our books, within our budget but we're going to use different tools in different parts of the world. I think that the office in Washington has different things to do from the ones in Singapore. And we're also building up a little bit of bigger presence in Brussels because Brussels is one of the power hubs to risk.

So in a year with next time in our meeting we will be talking more about the plans for instance for Africa. We already have had plans in Africa for a while.

Now we have to sort of combine all of the things we do because when I meet and we and our team meets for instance in Africa we understand that we can't go there and just speak about one specific thing about what we do. We have to talk about all we do.

But also we have to do this together with our partners in the ISO community, in the IETF community and the RER community. And sometimes we even have to talk to other ones which is not into the ICANN ecosystem because we don't for instance build infrastructure and there's no use to have a very good policy for domain names if we don't have any access.

So that's what we're trying to figure out but we're really, really early on into it. And if you don't - speak to (Nick Tomasa) who is now the head of the Istanbul office in that region.

Andrew Mack: Marilyn one last question please.

Marilyn Cade: My question is a follow-on. It's very short. I've observed because I work so closely with your staff at the regional level the entire teams and particularly with their involvement in the national and regional IGF that there's a kind of an interesting assignment of certain countries into regions that may not be logical to that country or that culture.

And so perhaps as this is being thought about and some of those assignments were made during the IDN when IDN were first being developed. So perhaps as you're thinking about this and particularly because we're very focused on enhancing the diversity and participation from each of our different communities the IPCs, the ISPs, the BC perhaps it would be possible to have further discussion with some of your staff about the implications there?

Goran Marby: One of the things we're doing is we are not a company who sells a product and therefore we don't form a, you know, we have the ICANN (structure) zone but the local engagement has to be done locally.

So it's actually the local teams who now are under the umbrella and (unintelligible) and everything who's now working with the different parts of the eco-system in that region because I could write any plan sitting in my LA office. Apart from the fact that I was (unintelligible) in (Swinglish) it wouldn't be very practical.

So it's really trying to do a bottom-up process. But then again we have started our journey. We started our journey after Johannesburg which feels very long time ago but actually it's not.

Andrew Mack: Well thank you very much for the time. We really appreciate and will give you back three minutes of your day and...

Goran Marby: Sure.

Andrew Mack: ...please come back and visit us.

Goran Marby: Thank you.

Andrew Mack: Thank you.

Goran Marby: I always seem to do that.

Andrew Mack: Yes.

Goran Marby: It's one of the few one that I do because I think it's fun. You're very nice.

Andrew Mack: Okay well thank you very much for all of the input.

Goran Marby: Well I've been here for 18 months.

Woman: No, no, no.

Andrew Mack: Thank you. I'm going to pass the microphone quickly to Heather was going to give us an outline about the work that she is planning and…

Man: You're not coming back to David Taylor to give (unintelligible)?

Andrew Mack: We can come back to David Taylor. Do we have other issues David you would give - no, no, no please?

Man: Start (unintelligible). Your SSR was (unintelligible).

Andrew Mack: Yes that's right. We got started with you guys late too. Do we – can I ask the room team do we have the room for another ten minutes or do have a hard stop at noon?

Woman: We're having (unintelligible).

Andrew Mack: We our GAC line shuts at 12:30 so we've got time. Yes so we've got a little bit more time please David you want to give it a couple minutes and then Heather the floor is all yours?

David Taylor: Thank you, David Taylor. I feel a bit guilty taking anytime from Heather because it's going to be...

Woman: No.

David Taylor: ...far more interesting listening to Heather than myself. If we can go to the next slide a little look because if we're having a bit of a difficulty there we go, RPMs. And so the CCT Review Team we were seeking to examine whether the RPMs were encouraging a safe environment and whether they had

promoted consumer trust as you know. But we also sought to measure the cost impact of the New gTLD program. So you can probably flip to the next slide and the next one.

One of these the key differences Jonathan mentioned we put out the draft report already but we also we're waiting with great eagerness for the INTA impact study so that we could build our theme to the report. We have the INTA impact study back and why the INTA was (unintelligible) 6600 trademark owners and professionals in under 90 countries so that's what we were waiting for. And we got - and they asked for the - to capture costs over the past two years so 2015 and 2016. And so there's some good data there. On the unfortunate side only 33 respondents came through.

That was partially due to it being a very onerous questionnaire and the data compilation was quite significant. But that's something which is with our friends in the NCUC, et cetera. That's frequently pointed out to us that that this is not very many which we do agree.

We had an interesting discussion yesterday as to whether what we're saying that of course that this is an indication of a trend. We're not saying it's a trend when we go through the data. This is just what we got from these responses and it's an indication.

So the key takeaways these are some of them and probably no surprise to anybody here that the main reason for 90% of the brand owners who replied were defensive so not for choice.

You've also got the commonly parked statement that most brands are just parking them. And I'm jumping around trying to read. I'll read it from my screen because I can see it easier. I can't follow that. No surprise that the New gTLD program increased…

((Crosstalk))

David Taylor: …the overall costs of trademark defense. And we're looking interestingly 75% of cases brought involved privacy proxy. That's quite a change on, five, six, seven years ago. But one of the takeaways was that RPMs are generally considered to be helpful in mitigating the costs.

Next slide please. Where we did have data and we looked at was the ICANN metrics. And from there it was clear that across all the dispute resolution providers for the UDRP and obviously URS costs have increased considerably.

And if we're looking at between 2013 which is when the first TLD was in the route or first New gTLD in 2016 we can see a 36% rise across all providers. If we mix at the baseline because obviously much depends on the baseline and you look at a mix of 2012 from 2013 you end up with a 25% but still it's clear that it's going up.

Costs going up is not surprising because we've got more domain names going into the root. So the more pertinent question is whether there's proportionately more trademark infringement in New gTLDs than in legacy gTLDs. Unfortunately for us that's were again we don't have the data from ICANN but we're lucky we do have it from WIPO and that's public.

So turning to the WIPO statistics the answer to that question is yes. And if you look at 2016 18.6% of the WIPO gTLD case load involved New gTLDs compared to the legacy TLDs and that compares to 14% of gTLD registration over the same period being New gTLDs. So we are seeing more 18.6% against 14% but it's not massively more but it's certainly more.

And then another of the conclusions coming through while not our conclusion but the - it seems to be certainly the case when you look at the figures running their when you've got 2014 there's 231 URS complaints, 2015 213, 2016 222. It's pretty flat it's 5% of cases on the URS. So one of the queries

which we've got is what's obviously – what's the issue or is there an issue with URS?

Conclusions I pretty much covered them so if you want to just skip to the three recommendations which we've got to the next slide. So we got the Recommendation 40.

We've got a few recommendations as you can gather in the report. This is the - we're basically repeating the impact study at regular intervals so we can see an evolution over time and see what it is and also they're trying to make it more user-friendly.

The next one Recommendation 41 is the full review of the URS just to see why the uptake is below expectations? Many of us in this room all have our reasons and we generally I think most people have a good idea why but it certainly needs to get the data back on that.

And Recommendation 42 on the next slide is where we're suggesting a cost-benefit analysis and review of the trademark clearinghouse. And this is because if you look at the Independent Review Trademark Clearinghouse Services revised report they stated there they weren't able to make definitive conclusions due to data limitations and there seems to be a great problem data.

And they specifically noted in that that they weren't able to perform a cost-benefit analysis. So as to whether we should be extending claims service or expanding matching criteria for example. So that was the other recommendation. I'm happy to take any questions, thoughts, input? I'll let (Matthew) answer.

Andrew Mack: Thank you very much. So do we have any quick questions on any aspect of – yes please. Jonathan?

Jonathan Matkowsky: Jonathan Matkowsky, Risk IQ. I'm curious whether or not you are able to get data from the other providers besides WIPO though I recognize of course they have a bulk of the filings but just in case the trend was higher in the Czech arbitration court or whatnot for UDRP were you able to or did you ask them for that data?

David Taylor: Thanks Jonathan. No we didn't because we were – normally ICANN would get that, the data which we got from the ICANN metrics is across all of the providers. And that's a question that obviously hasn't been asked to all of the providers to get that extra data from them which is why we just turn to WIPO because the figures were public. It was really just trying to get to the issue but in future CCT reviews that's certainly one of the things we want to be able to see.

Andrew Mack: Great, thank you. Thank you very much for the review and David thank you very much for the additional detail. Heather thank you for your patience. Our schedule has been a little bit sideways given everything but you were going to tells a little bit about your goals and objectives as the incoming GNSO Council Chair and the floor is for you.

Heather Forrest: Thanks Andrew very much. I'm Heather Forrest for the record. I am truly here to answer questions more than anything else. I think we have an opportunity. This is an opportunity for us as a very disparate community that's been locked together to lead the council. And I think that's a pretty big deal. I think that's a pretty significant thing.

And I would like to see that, you know, in a very quick summary if I say what are the two things to you folks in my community what I think I would like to say is over the next 12 months I'd like to see two things. One I'd like to see that we come out of this with a sense that the CSG that at candidate for the CSG can ably lead the chair, can ably lead council. I think if we do that if I don't step up for you in that regard then I think I've done pretty okay. I'd like to think that I open the door to future chairs from the CSG.

And number two, I would like to see that we not have any slip at all, encroachment chipping away at the GNSO's remit. That's going to take all of us to do. That's not just me but that's all of us.

So I ask for your help in particular in that second objective. I'm here for you folks. It's because of you that I'm here. Yes this isn't about me it's about all of us. So please tell me how I can serve you and continue to do so. Thanks.

Andrew Mack: Great. Thank you very much Heather. Thank you on behalf of the community in advance. Steve please.

Steve DelBianco: Hi Heather. Congratulations on that. Your second point that you mention was chipping away at the remit of the GNSO. And you're aware that there's a distinction between GNSO and the GNSO Council. And we went through this recently where we discussed the role of GNSO in the empowered community and not necessarily your view and my view but what came out of that was the council speaks for GNSO.

And so would you attempt to use GNSO and GNSO Council sort of interchangeably or make the distinction when it's appropriate? I'm well aware that GNSO doesn't really have a structure. It has chairs of the respective constituencies but they don't meet regularly. They don't have a structure of any kind. Do you have any views as to how to navigate that distinction?

Heather Forrest: Thanks Steve, Heather Forrest. I do. And I'm enthusiastic to take up, you know, the response of that question let's say. I'm so I was referring to in the same way that I referred to the GNSO in the Q&A with the council which would have been yesterday I think, day before maybe, Sunday.

In the sense of we can all agree and I said this with the contracted parties and the NCSG in the room we can all agree on a few things. We can all agree that we're a very disparate community and we can all agree they we're

here to deal with matters relating to gTLDs. And that was what I meant in the context of remit.

Now to the specific question that you asked I guess I got very lucky because in the sense when I get this position we've also got this funding that we've never had before for a three-day strategic planning session for the council which we'll do in January. And so we will all send councilors together intercessionally and we have a chance then to set the agenda as to what we talked about.

And Donna Austin and I have been working together to put a straw person together for discussion on Wednesday. And one of those topics of discussion we see as a full day is the role of the GNSO within the empowered community, how do we understand that?

How do we understand changes to bylaws, changes to GNSO operating procedures? I'm going to do – I'm going to get all law professory and force everyone to read the bylaws because I think it's important in the current environment that we not just say we know the bylaws. I think we need to read them and of course not everyone Steve if I could clone you that would be brilliant.

And so that's a topic of discussion that I'm going to propose. Of course I can't insist but I'm going to propose that we talk about. The other thing that I think I would like us to talk about is this GNSO, GNSO Council remit question. And I've specifically and I'm happy to pull it up, you know, separately once we talk about it with council it - but I have ideas around I'm just flipping through my notes here, but something around scope and remit of council, council leadership liaisons, the role of the liaisons and how we better understand those and get some better accountability and the GNSO more broadly.

And so I think I'm hopeful I'd say that, that discussion isn't led by me. It's facilitated by me. It's not, you know, the intention of that is that we all sit in a

room outside of the pressures of a ICANN meeting and be able to talk about those things.

And I would like to think that our representatives from the BC, the ISP and the IPC will have some salient points to make about all of those things. And it's an opportunity for us to raise those because we're not often given that opportunity to raise those points. So I would like to see that were able to raise them. Thanks.

Steve DelBianco: Heather there's one quick follow-up in moving the empowered community into the GNSO procedures there were 120 instances of the word GNSO in the bylaws and about 105 of them said GNSO space council and therefore about 20 of them just said GNSO. So there was some ambiguity there. And we thought that was an opportunity to see if GNSO could be the voice of GNSO as opposed to council.

We didn't prevail there. And part of the reason is there was no structure to point to. There was no GNSO structure other than council. So unless we decided to stand something like that up we wouldn't have the opportunity to move things to GNSO as opposed to council.

Andrew Mack: One quick comment yes please.

Marilyn Cade: Yes just a quick follow-up. I think we started out when Fadi came in with the idea that the CEO would meet with the elected leadership of the…

Man: I know.

Marilyn Cade: …constituencies Heather not just meet with the GNSO policy council. And then because all of us go to the trouble of actually electing an executive committee and the Executive Committee's responsibility to extend into the broader areas it seems to me than just these TLD policies such as governance, the idea of, you know, the budget -- other things like that.

So maybe what we should be doing is trying to come up with some examples of when the clearly the conversation needs to be, input needs to be coming more directly from and through the elected, the broader elective leadership. And I'm just going to give a specific example.

While the GNSO Policy Council may be able to comment on the budget related to gTLD policy development the overall review of the ICANN budget and the complexity of that it would just really overwhelm and overburden the council and it's not even about gTLD policy just use that as an example.

And to me that kind of thing clearly needs to be acknowledged that it belongs in the voice of the elected leadership then processes rather than trying to funnel it through the already overburdened policy councilors just use that as one example.

Heather Forrest: Andrew I'll take two seconds to respond and say on a specific discussion of budget that's actually on the agenda for discussion at this meeting. And I would say if you have concerns about that within your constituency send your councilors to the table with those concerns. We're talking about a standing finance committee. So…

Andrew Mack: Great.

Marilyn Cade: Sorry could you just clarify a standing finance committee about the overall ICANN budget or the policy budget?

Andrew Mack: Everyone first of all thank you very much for a very exciting meeting. There's lots - we covered a lot of ground. There's clearly a lot of interest on these key topics. We have lunch with a GAC right now at its Capital 13. So let's get there so that we are not late. Thank you very, very much, meeting is adjourned.

END