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RECORDED VOICE: This meeting is now being recorded.

JONATHAN ZUCK: Good morning, good afternoon, good evening, welcome everyone to the CCT review plenary call. Is there anyone besides Jamie, I guess you've hear that Jamie is on, is there anybody besides Jamie that's on but not in the Adobe Connect for attendance purposes?

Okay, and is there anybody with an update to their statements of interest?

Okay, well as we crawl our way to the finish line here, let's give the floor to Drew Bagley to walk us through the comments and proposed responses on the DNS abuse section for the new report.

DREW BAGLEY: Thanks Jonathan. Yes, so for today I'm just going to focus on the reactions from the community for recommendations A, B, and C, so not recommendation D. And we're going to also address, because it's quick to discuss, I'll also just discuss the individual statement I had proposed that could have been a recommendation had we had time to discuss it before the draft went out.

And with that said, we should look at today's discussion as focusing on whether or not the modifications that I have made to recommendations A, B, and C are okay with all of us in response to the comments, and we can of course still, as people see fit, improve the chapter in other ways

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unrelated to these comments, or when we have our follow-up discussion about recommendation D, get into some of the other aspects of ways in which we want to look at perhaps even new recommendations.

So yeah, starting with recommendation A, and am I scrolling right, Jean-Baptiste?

JEAN-BAPTISTE DEROULEZ: Yes, you do.

DREW BAGLEY: Okay, great. So recommendation A just to recap, in our care and stick approach this was the care aspect of it where we were looking for ways to enhance the safeguards, because from what we saw with our analysis and including the quantitative research that we commissioned, we saw that the safeguards put in place as part of the new gTLD abuse program alone did not prevent the types of technical abuse that the community feared and anticipated would come about with the expansion of the DNS. Of course it also was not the doom and gloom where the new gTLDs were nothing but abuse, but that same sort of abuse was not prevented from migrating to the new gTLDs.

And so what we previously proposed was for the community to develop incentives, and even to look to perhaps financial incentives to get operator to adopt best practices. And this proposal from those who did comment received more support than opposition. There was seven

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comments that supported it, four that were opposed to it, and then two that were neutral and three that gave no indication of their support.

So of those, with those that were proposing this recommendation, the criticisms really fell into three different buckets; first was a concern as to whether or not this recommendation as worked would actually be having ICANN go beyond its mandate.

Then the second was a concern about potential liability shifting whereby this recommendation would make operators that would have not otherwise been liable for individualized abuse going on with registered domain names all the sudden liable for that. And the last one was concern about whether or not our analysis actually proved this underlying basis of a need for proactive, or for some sort of new proactive anti-abuse policies to be adapted or whether the reactive approach was working fine.

And so with that, analyzing these concerns and these comments, it really seemed that the merit to these comments would be if our recommendation was interpreted in a way in which we did not intend, rather than as intended. And so to clarify all three of those categories of concerns, I went ahead and did edits and Laureen also contributed some edits yesterday after I presented these to the sub team.

So what you can see is an effort to clarify what our intention was with this, but also, I guess the only substance of shifts here would be that instead of merely saying that the community should look at incentives, we're now instructing them also to look at mandates for incentives, because certain things perhaps would be better intended for a variety

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of reasons to just be mandated in agreements and other things still, perhaps incentive-based.

And so I can have all of you I guess just take a look at the text and let me know your reaction to that, and while you're doing that too, I'll just point at that some of the positive comments that were supportive of this, they thought we should go even further and require, perhaps be prescriptive about even the models of registration, restrictions, and such.

And so of course as we discussed, we believe in the diversity of the marketplace with domain names and there are going to be GLD's that are going to be completely open, and presumably low priced and so therefore we still think that there needs to be something that goes against the abuse trend in those cases too without completely disrupting the models, so I know that's something we already had to discuss with the team but I just wanted to bring that up.

JEAN-BAPTISTE DEROULEZ: Drew, Jonathan and Jordyn have raised their hands.

DREW BAGLEY: Oh yeah, I have now seen that, I had a window blocking it. Jonathan?

JONATHAN ZUCK: Thanks Drew, just as a far as the objectors, it's been awhile—

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UNKNOWN SPEAKER: Can you please speak up?

JONATHAN ZUCK: I just, I recall that there were comments from some that were concerned that good guys do good things and bad guys do bad things, and that the mere adoption of practices isn't the same as executing them well, and that you can end up providing incentives, financial incentives, for bad actors because they on paper adopted something that's abuse prevention practices. That seemed like one of the objections that came up and I don't know if that fits in one of your categories?

DREW BAGLEY: Yeah, thanks Jonathan, yeah I did address that to a degree with some of the language toward the end about those who have already adopted or implemented, so yeah, so that criticism was actually kind of two-fold where it was an overall support of what we were doing but the concern was either, like you said, that there could be a compliance check box or something that rewarded somehow through an incentive just by adopting practices, and then secondly that those who are already adopting best practices were not receiving any sort of incentives because they had already done stuff.

And so we have the language of that already adopted, and then in terms of the fear about a bad actor adopting them, and truly being bad, we're very deferential because we have to be, and to the community in

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actually developing the specifics of the policy we're providing a framework, and so that's something where to me it seems like a bad actor adopts these practices and they're actually good practices then you would not see the levels of abuse, otherwise they haven't truly adopted the practices, they've merely made a false claim they've adopted the practices and in fact there'd be even more of a compliance risk for them in terms of ICANN compliance being able to suspend them, or sanction them in some way for that.

JONATHAN ZUCK:

Sure, but I guess we've also found the compliance savvy difficulty getting contracted parties to adhere to the contracts, right? So I don't know if these compliance risk is sufficient incentive to become a good actor.

DREW BAGLEY:

Well yeah, so the thing is though about these recommendations; they are meant to be holistic with recommendations A, B, and C all hopefully being adopted because of the way that we are on the one hand providing incentives to encourage best practices for operators that wouldn't otherwise adopt them, but then also giving ICANN compliance more power to go after cases of systemic abuse and even, and we needed to have that one enhanced and modified too in response to the comments, but basically that's something where the hope with this would be that we are getting the community to further empower ICANN compliance.

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But with all that said, do you have a suggestion about that? It's just something where I didn't see where that concern alone made recommendation A a pointless recommendation or something that really needed—

JONATHAN ZUCK: Or incorporating some of that language from the comments about making sure that incentives in fact were for addressing that risk or something like that, to acknowledge that concern and we sort of incorporate it in the recommendation in terms of what the community should take into account in their—

DREW BAGLEY: Okay, so that would be like a caution over implementation I suppose.

JONATHAN ZUCK: Right, something like that maybe.

DREW BAGLEY: I'll make a not.

JONATHAN ZUCK: I can try and work with you on the language or something like that.

DREW BAGLEY: Yeah, that sounds good. But yeah, but now when like I said, the hope would be in this suggestion as long as it—the also would be the way in

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which this policy would be adopted would be one for which it's not merely check box compliant for the best practice, whether it has to be some sort of result and so therefore you would flush out the bad guys who were merely claiming that they were adopting it.

JONATHAN ZUCK: Okay.

DREW BAGLEY: Thank you though. And Jordyn?

JORDYN BUCHANAN: Yeah, thanks Drew I have I guess two comments; first is regarding some of the language up top about in particular like it says about the new safeguards don't protect technical abuse and then therefore fails to stop the proliferation of technical abuse as supplied by the community [inaudible].

That seems like a misleading statement and I think that we've determined that there isn't actually net increase in tech abuse and as a result of the introduction of the new detailed use, it seems like the statement should be more like, 'And therefore failed to make the new detailed use more resistant to technical abuse than legacy detailed users,' or something like that as opposed to implying that the introduction on the detailed use actually resulted in new abuse because I don't think we actually have any evidence to support that. So that's first, and you can address that first and then I have a question about later down too.



DREW BAGLEY: Okay yeah sure, I mean I use proliferation for the increase because it still spread to the new gTLDs but I'm happy to modify that with, can you remind me again what you just suggested?

JORDYN BUCHANAN: Yeah, making proposal is fine, but I think the goal as I understood it of the safeguard was to actually make the new detailed use safer than the legacy detailed use, right?

DREW BAGLEY: Exactly.

JORDYN BUCHANAN: And instead we ended up with a system in which they are basically the same right, and I guess to sort of migrate between the two, so ineffective, but though we don't want to imply that there's been an increase in overall abuse as a result of the new detailed use, because we found that it would sort of stay constant, right?

DREW BAGLEY: Correct, yeah. I have the same exact intention as you, so—

JORDYN BUCHANAN: So I can provide some...

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DREW BAGLEY:

Okay, yeah, that sounds good. Thanks. And what was the second?

JORDYN BUCHANAN:

Secondly, the results refers to the sort of interaction of the notion of talking about mandates in that, I guess, like what we basically go from saying like we've tried out these safeguards but it didn't really work, and before we were saying; so what we want to do is take the people who, you know, we have seen some sort of market reactions to it, we've seen some people sort of adopting their own best practices that seem to be working in some cases.

And we want to just sort of create some market incentives or some mechanisms that incent that behavior. But now we sort of seem to be sort of isolating and saying like, "Oh, but sometimes we just want to create new rules that are going to apply to new detailed use, even though we just decided that last time when we tried to do that it didn't really work very well."

So I guess I'm concerned about the notion of saying that we want to potentially impose new mandates, because I think A; it sort of changes the tenor of this recommendation significantly, and B; the reason why, my take at least, is the reason the safeguards didn't work is because by the time you get done negotiating them in the community, they get watered down the point that they're not that useful, and any sort of attempts at future mandates are likely to meet a similar fate, whereas if we talk about incentives we get the registries in particular coming to the table, sort of trying to figure out ways to be clever that actually reduce abuse.

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Like I don't think anyone, there's some registries I think are happy to take any business regardless of who the customer is, but I don't think anyone actually thinks it's a good idea to create abuse for abuse sake, so if we can figure out ways to sort of get the registries sort of thinking creatively and partners and figuring out how to come to the table and apply innovative technology, then it's more likely to be successful than going down the path of mandates, especially since we just decided that they're not successful.

So I guess I'm just a little concerned about including the notion of mandates, because I think it's going to return us to this same cycle of negotiation and community process that got us the original sort of safeguards that we decided didn't work.

DREW BAGLEY:

Okay, yeah, I mean that's absolutely a fair criticism because as you know, well you and I when we first started talking about this a really long time ago were very enthused about the concept of incentives and all of that, so the mandate language was intended to help address some of the concerns such as those Jonathan mentioned a moment ago about the ways in which incentives would work as well as the people who had concerns about those who already doing good things and weren't being rewarded and whatnot for that, but with that said maybe that's not the only way to address those concerns.

I am thinking though that if the community is going ahead and identifying these anti-abuse best practices, they might come out with certain things that just make sense around the board versus purely as

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incentives. But maybe that's something where that doesn't go into the recommendation, but can go into the details.

JORDYN BUCHANAN:

I guess, so there is already this—there is already this process that exists by which ICANN and the registries can periodically re-negotiate the contracts. And, actually last time this happened there was a few things, like network ingress filtering which is like a good security best practice that ICANN sort of lobbed into those negotiations; I think they became adopted as part of the new registry unit.

So I guess I would say that there's things that everyone in the community sort of agrees; this is the best practice that everyone should be doing, there's already a mechanism for that to happen, whereas there isn't really mechanism, like no one really thinks today about ICANN providing some sort of financial incentives to registries, like doing a good job on abuse.

And at least my intent on thinking about this recommendation originally is to like focus thinking in a new way about the problem, as opposed to just sort of reiterating like, yeah, we should come up with rules and registries should have to obey those. I think there's already a lot of that that goes on in the community, and I think what we've found as part of this is that mostly that doesn't work and so I think I would worry that the tendency would be for this to fall back into sort of everyone just trying to create new rules for the registries and those being unlikely to be successful.

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So as to the concern about failing to reward people who are already doing good things, I think maybe we just need to change the wording to make it clear that if incentives were adopted, people that were already doing those things should also get the incentives, right? It's not intended to just apply to people adopting them for the first time, that would seem like the easiest way to address that particular concern.

DREW BAGLEY:

Okay. And, thanks Jordyn. And does anyone else have any feedback? And also I think, as a real quick jot before you speak Jonathan, just for everyone here, maybe Jean-Baptiste if you could keep scrolling right, for some of these things too, they were updates to the body of the chapter itself too, that provided more context but not any substance of changes if anyone wanted to skim through those in case they haven't seen them. So sorry Jonathan, go ahead and then I'll call Waudo after.

JONATHAN ZUCK:

Yeah, and maybe I missed it, but does it make sense to at least make a call out that says that incentives are created they should apply to legacies as well?

DREW BAGLEY:

Oh, so legacies, gTLDs?

JONATHAN ZUCK:

I mean since...

DREW BAGLEY:                    Yeah, yeah, I think that's a great idea.

JONATHAN ZUCK:                But to actually decrease it, right?

DREW BAGLEY:                Right, I like that, not to chase it back there. Although some new gTLD operators would probably like that. Okay, got a note about that, thanks. And then Waudu?

WAUDO SIGANGA:                The introduction of the [inaudible] I think Jonathan, I mean Jordyn also mentioned this if I have it correctly; if the current changes, internal this is a recommendation and move the focus away from initial activity of adopting incentives, so I think I would be a little bit hesitant about this mandate type of this recommendation. I was more comfortable with the original recommendation where we're putting more focus and I think the mandates that was just better that way.

Then secondly you mentioned some in transit ways of the public comments and I was not clear how you dispensed with those concerns; there are three concerns, they talk about being outside ICANN's mandates, the ability shift and then [inaudible] whether proactive policies are necessary, so I was not clear how you dispense of those three concerns and recommendations, or did you just leave them alone?

DREW BAGLEY:

Sorry, I was just waiting a second to answer you. Thanks Waudo, so first of all for the mandate, thanks again for adding support there. What Jordyn said, and take that part out unless anyone opposes that, but then as far as the other two buckets of where I saw the main concerns going into, for the ICANN mandate that's been addressed in two areas, so one; the rationale related findings, there's a reiteration here about how ICANN is committed to maintaining the quote, "Operational stability, reliability, security, global inter-operability, resilience, and openness of the DNS and the internet."

And then also at the very beginning of the chapter, a reiteration of this focus on technical abuse that's tied to that because I think that that concern about the mandate was really going to the fear that this would lead to content regulation and that is what I've done to try to address those concerns in those two areas, and Jamie helped with some of the language in the very beginning of the chapter. With that said, if you have any other suggestions for that definitely let me know; this is obviously meant to be a collaborative process, so feel free to send me edits.

And then, as far as the other area for the underlying basis for the shift from reactive to proactive, it's gone ahead and clarified that a bit more, we had already had a very clear example because we were talking about that really is especially advised to dominions that are maliciously registered rather than those that are legitimately registered and later compromised, and so we already highlighted an area where the DNS abuse study called out dot-top domain names, and there were 88 of

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them associated with abuse, and of those, 75 of them were permutations of Apple products and so that's something where clearly had there been some sort of flagging at the beginning, then abuse could have been prevented, and so I added a sentence for clarity there.

Then also what I did is I added a link to published best practices for other internet infrastructure providers, so it's now footnote 73. And that's from MOG which is one of the groups that actually did one of the public comments, and so they published best practices for hosting in-cloud providers to do just this, and so similarly we are not creating some sort of brand new concept here with this proactive anti-abuse approach; it's already used in other parts of internet infrastructure, so I've done that too to further add that context.

I see your arm still up, so feel free to chime in again Waudo if that didn't answer your question.

Okay, great. Does anybody else have any questions before I move on to recommendation B? As of now I will take out mandate, I will make sure that we're all clear on what we mean by "Failed to stop the proliferation," and so Jordyn might send me suggested language, otherwise I'll also look to other language there. And then, Jonathan is going to have some language to contribute as well on this one, and then we want to reiterate this should of course apply to legacy gTLDs if they are adopting best practices. So we'll do that, and so please let me know if I missed anything there.

Okay, if not, then they'll be another updated version of this that will go out for us to agree on. Yeah Waudo?



WAUDO SIGANGA: With regards to making a special mention of the inclusion of legacy gTLDs, what was mentioned by [inaudible], perhaps that is taken care of when we talk about consideration ICANN to negotiate amendments to existing registry agreements, we are talking about properly existing registry agreements, [inaudible] place here that indicates there's only new gTLDs?

DREW BAGLEY: That's a good point. I mean, technically that language takes care of it, but there could be ambiguity because our focus has been on new gTLDs. So we could just say... yeah, so in the details we could still put a little more clarity, but yeah, that's a great point. I think you're right; for the recommendation itself is probably fine, it's more in the details in that language, thanks Waudu.

Okay so if nobody else has feedback on this one, then I'll move on to recommendation B. Thank you; that was very constructive and helpful, everyone who spoke up. So for recommendation B, sorry I'm scrolling, recommendation B was; consider directing ICANN org and it's discussions with registrars and registries to negotiate amendments to the registrar accreditation agreement and registry agreements to include provisions in that preventing systemic use of specific registrars for technical DNS abuse.

And so this, moving from the carrot that we discussed, this is going back to the stick, and so with this one, we actually only received one comment that was in opposition; the other comments were supporting

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it. Fewer people commented on this one in general, but we have 5 supporting comments, 1 against, 1 neutral, and there is comments that give no indication one way or another on this.

And so, for this one with the critique, it was about the, and this is common one that seems to come up beyond our review team that just whatever ICANN holds sessions on the new DAR project for DNS abuse reporting, it's the same concerns from the community about third-party information being used in any sort of compliance capacity with regards to DNS abuse because there's a fear about the reliability of this data and whether or not this is something that is intended to be used in this way.

And so with this we were already neutral to a degree about, or rather fairly open about which type of data should be used. We basically were trying to take the position that if something is well known, it shouldn't be ignored, merely because there weren't individual complaints filed against every single domain name that was DAR and associated with a given registrar, and so what I've done is I've gone ahead and made this a bit more robust and Laureen also contributed to this as well, to one; build more of a process in place, but two; kind of reiterate that we're talking about how this information can come from a wide variety of places, not just DAR and that even once the information comes in that's highlighting this sort of systemic abuse, there still needs to be a process that's followed and that this information could in fact trigger an investigation which then in fact could trigger some sort of compliance process, but that the fact that someone has a bunch of bad domain names on a black list alone is not the end-all, be-all of the process.

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And that's also because there is the critique over whether or not as we had it written there was a presumption of guilt, and so if you take a look at the specifics out here, basically if ICANN compliance receives a formal complaint or is otherwise made aware of this sort of systemic abuse associated with a party, then they need to actually begin an investigation. And so this is something where a formal complaint would come in from the community in the same way it comes in now for individualized domain names, but now you could actually make one about a party.

And then for the otherwise made aware; that's something where if the ICANN security team is noticing something with DAR or something else, or SFACT is noticing something, or there is these annual cyber security reports we all see from time to time that highlight that a particular TLD is very problematic, or a particular registrar is, than rather than not being able to do anything then that's where ICANN compliance upon coming aware can initiate an investigation and then even when an investigation is actually carried out, there need to be some support from ICANN security in actually verifying that there really is credibility to such reporting. So an example of this could be that ICANN compliance goes and actually tries to resolve domain names on the black list and finds out, yes, it seems like of those still active there really are being used for bot command and control or something of that nature.

And so that's where that would really have that added safeguard, and if you recall, with all of our recommendations in general we were purposefully vague because our intention was to ensure that the community would hash out the details in their policy making role, but with that said I think that these fears, you know, perhaps are justified so

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that we should provide a little more clarity on what we intend in terms of the framework, so hopefully this added language is helpful for you in seeing the approach that Laureen and I took through addressing this. So please let me know if you have any feedback on that.

I'll give you guys just a minute to read into the notes, longer than the last one. And otherwise we can jump to the next recommendation.

Okay well feel free to then give me feedback via e-mail on this one if there's any added language or modifications to my new language that we should make. So I think this preserves our full intention with this recommendation and hopefully improves it and makes it a bit more robust and less ambiguous about what our intentions are with it.

Okay great, thanks. So now moving onto recommendation C; this recommendation was one for which we received no opposition; we did of course, like with the others receive feedback in terms of improvement or fears about it, but this is the one where we're calling for essentially some sort of regular studies, whether those are studies that are independently commissioned like the one we did, or whether it's part of what DAR produces, and this is one where again we already in our language or purposely not overly prescriptive in saying which way it needed to be; we were emphasizing the type of data that needed to exist, but nonetheless some of the fears from the community again were about DAR itself, even though we said, "Including but not limited to DAR," and so with this one.

The overall the community seems supportive of getting the data out there. There certainly is fears about what would be made public and

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again that really in the comments really focuses on DAR, not necessarily what we're talking about. And so even with that though, I think that that is something is going to be an ongoing concern any time we're talking about transparency where it's possible that in reporting a particular TLD or a particular operator publicized to be associated with high levels of abuse or something.

And with that said, I don't think that's something that we necessarily need to address with this and that we need to say that the report should be tailored so that all parties are protected or anything like that. Instead what we're striving for here is really getting data-driven policy making, and this is something where for us as a review team we had to go out and commission this multi-year study because we had no data to go off of that was quantitative data, and so what I've done with the modifications to this recommendation—and another suggestion was that we actually put a time frame in here from NCUC, so I've gone ahead and tailored this a bit more so that, and also addressing sorry, even the financial concerns that ICANN org laid out so that one; we're clarifying this is something we see as being regularly published so that way its current and actionable data for the community for policy making, and then also clarifying that it's not intended to be historical study again, and instead it's supposed to, because it's going to be current and regular, we're talking about data whether it's provided by DAR or independently commissioned, being available in these shorter snippets on a regular basis, and as a follow-up to what we've already done. Does anyone have any feedback about that?

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JAMIE HEDLUND: So Drew, this is Jamie, can you hear me?

DREW BAGELY: Yes.

JAMIE HEDLUND: So just one quick comment that may be relevant to this from the previous recommendation; in our discussions, in compliance discussions with registries and registrars, we had emphasized that DAR as an aggregator of data is a guide and it is not an enforcement tool. In other words, in order to take any enforcement option against registry or registrar for dominion abuse, we have to have actionable evidence, and the DAR output in itself may suggest targets for investigation but it does not in and of itself have actionable evidence.

So that's something you could if you wanted put out in the thing in that you understand in order for any action to be taken against a registry or registrar, there has to be actual evidence of wrongdoing and an aggregated list for output doesn't provide that, thank.

DREW BAGLEY: Thanks Jamie. Yeah, I think that would actually probably further away any sort of fears, providing that clarity; I think that's a really good idea so I'll do that. And then of course, if recommendations A, B, and C are all adopted, then it continues this kind of holistic thing where to the extent DAR triggers awareness, that there's already another process in place which requires evidence and everything for the systemic abuse.

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And otherwise, it's not, and there's other forms here for action plans. But yeah, I'll go ahead and do that so that way, because I think that's really important, so that way we're not taking away from the merit of this recommendation by getting into some inertia about DAR, so I appreciate that clarification. Alright, Waudou I see your hand.

WAUDO SIGANGA: What's the basis for the time frame of reporting? I mean, I know there's [inaudible], I think that this is something but I didn't quite get it; what is the basis for that?

DREW BAGLEY: Sorry, what's the basis for what?

WAUDO SIGANGA: For the time frame, for reporting the DNS abuse. You are saying it should be ideally quarterly, but not less than annually; why can't it be on a continual thing, as it happens for example?

DREW BAGLEY: Yeah, so the quarterly versus annually came from looking at the report we commissioned, and how throughout the year there were different spikes for example when perhaps phishing campaigns were underway, and then there were lulls in DNS abuse, and so merely annual reporting might not give a full snapshot of where things are, or if you have the quarterly reporting you would know there's a problem going on right now with a specific type of abuse and whatnot, so that was the

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intention there. It was actually based on looking at the way in which the data broke out in that study.

WAUDO SIGANGA:

If you say that this is not annually, if it's not quarterly, I just think it's really important, because annually is too long, there would be too spiky where one might not be able to see it in time to take corrective action. If it could be—

DREW BAGLEY:

So the reason why I've given the flexibility is also to balance cost concerns, depending on how such research would be carried out, but I mean, we could put quarterly and drop annually, but that's where I put quarterly as the goal, and then annually as kind of the stop to make sure it doesn't go beyond that. Because what I want to prevent is this isn't looked at, quarterly is too expensive, and then it becomes something like the study we did where it takes years to get the thing and then you only have historic data to go off of.

WAUDO SIGANGA:

Okay, thank you.

DREW BAGLEY:

You're welcome. Lauren?



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LAUREEN KAPIN:

So this is just a quick follow-up to Jamie's comment, and I was wondering if the edit in recommendation C where basically the reference to enforcements; only taking action based on the actual, as determined by the facts presented; that there it is. It's at "Helps meet some of your concerns." See what I heard you say is that DAR system does not present, hasn't been presented as something that's going to trigger enforcement action, but I think the rest of our comment is; it should at least under certain circumstances trigger some scrutiny.

DREW BAGLEY:

Yeah, that's right. So I wasn't aware of that specific edit, and this is not objecting to anything that's in there already. I was just trying to relay a concern that we had heard in discussions about DAR and we in compliance will continue to use DAR as a guide to where abuse is taking place.

And my only point was that DAR alone is not a sufficient—it doesn't provide sufficient evidence of actual abuse; that you need to go beneath the aggregate to get that, and the reason, a lot of the reasons for the concern among contracting parties is that the underlying DAR of these RBL's compiles different organizations and while they have a process for eliminating false positives, there are times when domain names remain on those lists long after abuse has been eliminated from them, so they don't want to be held accountable for something either they corrected or is no longer a problem.

So it's just a measure of insurance. I mean we're going to continue to give that in the community as people raise concerns about DAR and

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what compliance does with it. But this is an opportunity to further clarify that.

LAUREEN KAPIN: Got it, okay. That makes sense to me and I just wanted to point out that edit and also make sure I understood the landscape, and actually that's very helpful to understand, so thanks Jamie.

JAMIE HEDLUND: Thank you.

DREW BAGLEY: Thanks, both of you. So adding in Jamie's suggestion for clarification, other than that is there anything else that anyone sees that is needed for this recommendation, or are we okay with the language as is, and as I mentioned before if you want to get me something via e-mail that's fine too.

Okay well then I will go ahead and add some language that I think will hopefully echo what Jamie has said, otherwise Jamie feel free if you have some specific language in mind to send me some language and just make that slight modification to this. And then if anyone thinks of anything else just e-mail me.

And then the last thing to discuss today, I guess second to last thing because I wanted to just talk about the chapter broadly, but the last sort of recommendation ended up being the individual statement which was the recommendation that I had proposed, but I proposed it too late

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for us to discuss it before the draft chapter went out, so we were never able to adopt it or reject it as a team. Nonetheless it went out to the community and there were three comments on it and all supported it, and so let me see if it's actually in this document, because it's in our spreadsheet. Jean-Baptiste, are you able to put it on the screen actually, because maybe that would be easier?

Okay basically the gist of it, or I didn't have the exact wording on is that ICANN should collect data about, and publicize the chain of parties responsible for gTLD domain name registration, and what this is getting at was the lack of data with regard to re-sellers, so that you could have a registrar that has many re-sellers; maybe the registrar as a whole is actually okay, but then they have one particular problematic re-seller and this is something where because the data is not available, particular in aggregate then it's very hard from a research and data question standpoint to identify this to begin with, and then it's also potentially difficult from a compliance standpoint to do anything about such a reseller and in the cyber security community we see this a lot where resellers, and particular types of resellers are used by certain bad actors because they know that they can get away with registering domains there and engaging in abuse there without being easily suspended.

And so that's something where similarly with the DNS abuse study itself, those researchers, they talked about that that data would have been really crucial in their analysis. And as we're making all these good policy adoptions, or policy recommendations, it's important that this is carried out through the chain of parties involved in a registration and also as far as data-driven policy making it's important that this data is available.

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And so our recommendation is not restrictive as far as WHOIS should look like, or any of that, it's more that this should be something that is collected and publicized and so even though this is something that's talked about in other ICANN work streams I think it is important for us to go ahead and put this out there and then we got support for this from comments from at-large business constituency and GAC has supported making this data available.

So Jean-Baptiste needs some time to load the recommendation. Anyways, so I just wanted to see if this group was okay with us adopting that as a formal recommendation, or have any edits for that or is completely opposed to it. Jordyn, I knew you would speak up.

JORDYN ZUCK:

Yeah, I won't go so far to say as I'm completely opposed, but I do think the given that there's a balance of work going on around WHOIS going on right now, best strategy here seems to just sort of be to flag this as an issue and make sure it's addressed in one of those streams as opposed to creating a separate implementation track for the CCT that also needs to think about WHOIS, so that will, I mean, nothing ever happens on WHOIS anyway, I think GDPR is going to finally force that to change.

But, you know, it's a topic that's been discussed for 20 years in ICANN, almost, as long as ICANN's existed there's been a lot of conversation about WHOIS with very little progress on the topic to show and I would just hate to burden CCT implementation team with needing to do anything that touches WHOIS, so I think from my perspective it's fine to

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say, “Hey this is an interesting—it would be very helpful for research purposes to have this information, and it might be valuable to the security community and the various work tracks that follow up WHOIS review and the various impair work streams and do on like, you guys should consider this.” As opposed to having this as a standalone thing that the CCT implementation tries to deal with.

DREW BAGELY:

Laureen?

LAUREEN KAPIN:

Thanks. So I’m going to take a diverging view; I’m pretty involved with a lot of the sketch-ins on WHOIS and one thing which I haven’t really seen focused on at all is this issue of resellers. Indeed it seems outside this discussion, even though I agree with you analytically, it should be right in there but it isn’t, therefore I think we would be a real service by actually flagging this issue and making sure that it’s taken care of. I’m waiting to see this upload because my sense of it, and Drew you can let me know if I’m wrong, my sense of it is that there would be an obligation to collect this information.

I don’t know that it went as far as to say it should be published, which I think will probably run square into a lot of the issues that are currently being fervently sedated in the WHOIS context but I think recommending that there’s an obligation to collect this information, actually move the ball forward on an important issue in terms of mitigating DNS abuse, so I very much support this.

DREW BAGLEY: Thanks. Yeah, so Jordyn again? I feel like a presidential moderator.

JORDYN BUCHANAN: Yeah, I just want to reiterate, Laureen, you've worked on WHOIS a long time, I just want you to think back and think how much time has been invested into talking about WHOIS within ICANN and how little result has been emitted as a result of that. I don't think contingency is a magic wand, but fix that problem.

And I was totally fine for us to say, "No, WHOIS review, take a look at this, or there's some other PDP that should take a look at this," but man, I would hate to be on a CCT implementation team that had any expectation that they were supposed to do something to change WHOIS because the track record in ICANN, and I say this having chaired a WHOIS task force for 5 years with essentially no result.

The track record of actually being able to accomplish anything productive is so poor that it just seems exceptionally cruel to the review team to try to oblige them to tackle this topic when—and I agree with you Laureen, that other people aren't looking at this right now, so I think the intent should be to say, "Someone else needs to look at this because it's an important issue," but I don't think it should be part of the implementation work stream that the CCT implementation effort is expected to undertake, because I just think that will add years of work to the implementation with a low probability of it being anything useful.

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LAUREEN KAPIN:

Well I mean, I don't disagree with your statements or facts about the lack of progress and all the challenges. I guess where I disagree is the conclusion because I think the fact that this important issue hasn't been tackled to a reasonable conclusion in the past doesn't mean that we should shy away from it, and maybe we could be uniquely positioned to do some good in this area, but I hear your concern and I guess we'll agree to disagree and time may prove me hopelessly rosy on this and you may be right, but I still think it's an issue we should tackle.

JORDYN BUCHANAN:

The other thing I'll add is I just think this issue has very poor nexus to the new gTLD program in particular. There's just nothing about the introduction on new gTLDs that make this more relevant. Like, this is an issue for legacy gTLDs just as much and it just seems to a certain extent like an abuse of our trust to say, "We noticed this issue while we were looking at new gTLDs, it doesn't really have anything to do with new gTLDs, but someone should fix it anyway even though there's other groups that are actually trying to take a look at this."

I don't know; this just seems like, yes, I don't want to disagree with the substance of it, I think habit tracking, tracking new sellers is a gain for ICANN, but I do think it's A: outside of our charter, and B: is, I mean, you heard what I said before but it's particularly worrisome that we're venturing into WHOIS when it's not clear to me what the nexus to the new gTLD program is.

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DREW BAGLEY:

So can I jump in there? So first, in terms of the potential difficulty and whatnot, if anything Jordyn, I kind of think this would be like GDPR where this would be an impetus for change and as it's such a minor thing, unlike the GDPR situation with WHOIS where probably everyone will be unhappy with the ultimate outcome; this is one where I don't think it's controversial, and I think that even in terms of this going into some sort of implementation, I think that it is important enough that it should be because it really creates this gray area of parties that don't have any sort of direct, contractual relationship with ICANN, and obviously there's provisions that flow down to them but it really is this gray world where DNS abuse absolutely does occur, I think it is relevant to the new gTLDs because we have so many more gTLDs and you have so much more ambiguity in terms of trying to figure out the sort of registration chain of custody so to speak.

With this I don't think it's an abuse of anything with us because with our mandate, kind of with the safeguards and whatnot we're still looking at whether the safeguards put in place prevented all this stuff from happening in the new gTLDs and they didn't, and then also even with all the other data we're calling on to be made available, I think this is compatible with that.

Where the data still is going to have its limitations unless this also exists, and this is something that was even identified by our own researchers that we commissioned for the DNS to be studied. So perhaps we want to, and now I see that it's actually displayed on the screen, perhaps this is something where maybe we want to modify the rationale a bit or the details, but I'm still very supportive of the recommendation itself.



JORDYN BUCHANAN:

Can you help me understand better; I actually totally don't understand what you said about the nexus to new detail, you said there's a bunch of more new utilities and therefore it's harder to track. I don't understand that; it's like in dot com, I imagine there's more resellers for dot com and more layers of resellers for dot com than any new gTLD, so how is this problem any worse or any different as a result of the introduction of new gTLDs?

Because I do think in our early discussions about the charter of our group, we agreed pretty solidly that we were limiting ourselves to changes that were introduced... the things that were different as a result of new gTLDs, not things that happen to apply to gTLDs and also the legacy gTLDs.

DREW BAGLEY:

Sure, well now you have so many more parties in terms of registries or registrars and then in terms of resellers we don't know, right? And so that's where there's an even greater I think unknown universe with it, and specific to the new gTLDs is what's something that was a data point that our own researchers identified as being one that prevented them from drawing even more insights as to where the breakdowns were with the new gTLDs.

JORDYN BUCHANAN:

I guess but the new entities aren't the part where they had a problem, right? Like the place where they had a problem was the resellers, and

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that problem seems identical to legacy and new gTLDs. I just don't understand now the introduction of new gTLDs made the [inaudible] regarding resellers any worse, or any different.

It just seems like an exact same problem; like if we would have had this discussion, if they would have done the exact same research on just the legacy gTLDs, they would have had the exact same problem and put the exact same not in their research; this doesn't seem to have anything to do with new gTLDs per se.

DREW BAGLEY:

But the fact that we have new parties, we potentially have infinite more resellers. I mean, I'm not sure, that's an area we can't prove or disprove with that, but I think that the fact that we have more contracted parties for which ICANN is responsible for enforcing compliance and then still completely are in the dark as to who these secondary parties are, which there isn't that direct contractual relationship, that is going to be potentially more of an issue with new gTLDs by the nature of there being more parties there.

So when you're talking about the legacy gTLDs, we're talking about a smaller group of parties that have that, with contractual obligations for ICANN and for which, I'm not going to disagree with your point that it's completely similar with legacy gTLDs on that account, but where the breakdown would be, but now you have more parties that ICANN has to do compliance against, and yet we still have this reseller issue and it's in the dark and this is something where even from, like I was saying, even if you just look at the data points alone and trying to figure out the

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nuances of issues with new gTLDs this is something that is necessary. Jonathan, I can see that; I had a window blocking that again in the XL sheet. Jonathan?

JONATHAN ZUCK: I feel like I'm the new David Taylor. So I guess a concern about—can you hear me?

DREW BAGLEY: Yeah.

JONATHAN ZUCK: I share Jordyn's concern about the scope, but at the same time the idea was that the new gTLD program was supposed to make the world a better place so to speak in many respects, and the be laboratory for change. And if we're stymied in our ability to examine that change, and it's worth trying to correct that for future research, but at the same time I guess we have a lot of recommendations that are aimed at other bodies inside of ICANN so is it possible Drew to make the implementer of this recommendation the current WHOIS team, or is that like it's going to get lost there?

DREW BAGLEY: Sorry, to make the implementer the WHOIS team?

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JONATHAN ZUCK: Well, right, we have some recommendations that are target to the subject of procedures working towards...

DREW BAGLEY: Yeah, I think that's a great idea; I think that's a great solution because I don't think any of us are disagreeing that this is—and same thing with the three commenters in agreeing that this is something that should exist, and so obviously instead we're debating our own stroke or why the new gTLDs but I think that's a good solution, I think if we adopt this recommendation we target it to the WHOIS team, so that way it's not holding up another work stream, so Jordyn's fear, Jordyn, is that something that you would be amenable to?

JORDYN BUCHANAN: Yeah, that's what I was trying to say earlier basically was just to flag this as an issue to be addressed by another body and specifically a body that's chartered to deal with WHOIS stuff.

DREW BAGLEY: Okay, I think I interpreted what you were saying as saying we shouldn't even speak about the issue, sorry about that.

JORDYN BUCHANAN: I just don't want a CCT, I don't want it to be the responsibility of the CCT implementation team to figure out how to do this, right? I think it should be a WHOIS, one of the bodies that started to deal with WHOIS;

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we should say, “Hey, here’s an issue, you guys should deal with it,” basically.

DREW BAGLEY:

Yeah I’m supportive of that, sorry about that, I was thinking you didn’t even want us talking about this because of the concerns you expressed, is that yeah, I think that would be a good approach. So then, with that said, is there anything that’s going to change with this recommendation other than who it is directed to? And then Jonathan, I guess while Jordyn’s typing some edits for the recommendation, procedurally what we go out and send this to the team via e-mail for adoption like we were doing with the recommendation consolidation or how would you like to do that or...

JONATHAN ZUCK:

That makes sense, make sure the edit is circulated for edits and opposition, but then we’ll make in an opt-out approval process.

DREW BAGLEY:

And then Laureen, are you agreeable to that approach, with directing to the WHOIS team, or a WHOIS team? That was ridiculous; why did I say that?

LAUREEN KAPIN:

You know, there are several work streams in play. Candidly not really, but I would leave it to the rest of the team to weigh in on this. I think it would be helpful if there was some crossover. So I don’t object to this

issue certainly involving the current WHOIS work stream, but what I would be concerned about is that it gets lost in the shuffle, whereas if we keep a hand in it via the CCT review team, I think we'd have a much better chance of shepherding to fruition, that's my view.

DREW BAGLEY:

I'm trying to think that there might even be, Jordyn might weigh in from a technical standpoint, aside from WHOIS where we would make a WHOIS recommendation, as we're talking about specific protocols there, Jordyn, would there be any other mechanism you can think of where such information could be made available for the community directly from a registrar where maybe it even requires an inquiry to a registrar, or something or some sort of reporting that a registrar would provide wherein in the absence of a WHOIS solution, so the ideal being a WHOIS solution, absent of a WHOIS solution there could be some other sort of database that would have this populated, like if that's very easy via API and data that registrars' already sending upstream to have this then in maybe an ICANN repository or something, does that make any sense?

JORDYN BUCHANAN:

Yeah, sure if there are ways to do that. I guess I'm super—so there is literally ICANN PDPD looking at registry data collection and publication, right? And I'm super reluctant to say in parallel to that listing PDP there should be a separate effort that decides just this one issue about resellers and potentially trace the novel of technical solution; that seems crazy to me. Like it just seems like a group that is already

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considering, literally like in their charter, is like considering what data should be collected by registries and registrars, and how it should be published. Like that group should make sure that they capture this reseller issue as well as opposed to trying to spin up a parallel implementation.

DREW BAGLEY:

Sorry, I guess I should have clarified, so meaning that we could direct this to multiple groups, kind of along the lines of Lauren's concern, so maybe we would direct it to that PDP, but then we would also direct it to one of the WHOIS groups or all of the WHOIS groups, but so that there are multiple parties responsible for this that are already working on related matters, but so that we're not waiting for the ICANN 2050, or WHOIS 2015 to come out to Lauren's point for this one particular issue.

So I agree, not creating our own little thing, but yeah, that's what I was curious about; there's some sort of existing data stream and policy group, so who would you think of I guess that we could direct this to as far as multiple parties where the chances are within a couple years something would be done?

JORDYN BUCHANAN:

I don't think there's any such group, for the reasons I articulated earlier.

LAUREEN KAPIN:

That just reinforces my point, which is why I don't want it to go there.

JORDYN BUCHANAN:

That doesn't change, but all that happens by tagging this somewhere else, and I just, like I said before, I can't imagine how it possibly makes sense to have a PDP that is literally tasked with saying, "What is the information that registries and registrars should collect, how they should publish it?" And then outside of that process some other group is going to decide, "You know what? There's some other information that needs to be collected and published, potentially through a different way, and have that all work happy."

Like that's just, that just seems totally insane that we would have two different paths; one of which is trying to deal with the general problem, and one of them is trying to deal with this one specific issue, possibly coming up with different solutions like, "We'll live with the bizarre legacy of that for another couple of decades." I understand everyone is anxious to solve this problem, but you can't solve WHOIS problems quickly; it just never happens, never, ever, every; never happens.

LAUREEN KAPIN:

Well now we're solving them quickly because of this GDPI deadlines, but separate and aside from that I think maybe a proposal might then be for us to coordinate but not hand it off, but coordinate with the ongoing efforts, and to me that would include the PDP although we all know that that has languished on the vine somewhat, and perhaps the WHOIS review team that is doing work now, and then maybe the other work streams that are under my radar screen right now, but certainly those two come to mind.

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And to the extent that ICANN is, at some point, has processes where it's considering new standard contracts or negotiating its existing standard contracts, so it just sort of the three places I see this living and I would say it would be good for our review team to have a hand in shepherding this rather than handing it off for exactly the reasons you're identifying.

JORDYN BUCHANAN:

I think it seems to be, I guess we need to think—there's a general statement that we need to think through, which is; for all of the action items that we have or the recommendations we have are essentially "Group X needs to do less," like how do we imagine the implementation of that working? It seems to me like in all those cases we just have to trust the other group to behave reasonably, right?

Like we're going to say, "Please consider issue X," they're going to consider it, and when they view that it's been properly considered, there will be some discussion back and forth but ultimately we're suggesting they do it because we think that's the proper body to take on that work, and it doesn't seem to make sense that we're going to like second-guess them for infinity and have the ability for the CCT implementation group to say, "No, we didn't like the outcome of that thing, and so therefore we're going to raise the issue again," I think we're now in a bunch of cases just handing off work to other bodies, and I don't understand why this would be any different, since there's a very obvious set of other bodies that already are chartered to deal with this issue.

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DREW BAGLEY:

The funny part is; we all agree on everything about this getting down, but also the merits of this topic, and then obviously our disagreeing on whether this is something that we can and should task outside of WHOIS to the subsequent procedures, or to another PDP or wherever. So I mean, what would be, without it being to the point of being ridiculous, like Jordyn, what would be multiple parties that you would be supportive of tasking this to, or are you saying only WHOIS even with your pessimism that nothing would get done?

JORDYN BUCHANAN:

I mean, I think this would be primarily targeted at the RDF PDP because that group is really soundly chartered to deal with this issue, like is literally chartered to consider what information should be collected and published by registries and registrars. But Laureen is right that the WHOIS review, like potentially could take a look at this as well, but it seems a little bit more tenuous, or less-action oriented. PDP, if the PDP agrees with us, and they adopt a policy, then that becomes binding on registries and registrars.

There's a built-in mechanism for it to actually happen, whereas if you go to the WHOIS review team, and say, "You guys should look at this," they can't actually change the contracts themselves, all they can do is say, "There should be a PC on this, and then eventually that can be the thing that that follow-up PDP could be the vehicle by which this could happen."

But if we want to change, somehow we want to change the contract between registries and registrars in ICANN, in a compulsory and ongoing

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manner, like that's what policy is about and ICANN is, and we should channel that through the PDP process, and there's only that already exists here, that should be the primary focus of the recommendation.

DREW BAGLEY:

So I mean, here's the thing from our standpoint; we are not—we don't care about whether this is, I mean, ideally it should be published in WHOIS, right? But we're not obsessed with that, we're not obsessed with the protocol, what we care about is that this information is actually available to the community in some way. So I'm just wondering...

JORDYN BUCHANAN:

That is literally the scope of the RDS PDP, right? Which is to consider the set of information that registries and registrars should collect, what should be published, and how they should publish it, so this is just one of the things of saying, "We should collect this, and you should consider how you should publish this as well." That's why I'm worried about splitting this up, because it's already the case that they're considering as distinct things, what should be collected versus what should be published and how, and who should get access to what.

DREW BAGLEY:

Alright, well let me go ahead and take another look at this and think a bit more about different ways to direct this maybe. And then I guess I can send it out to the whole review team to circulate and get feedback on. But, thank you for articulating your concerns with all of that and for

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pointing out the strengths and weaknesses of directing it to different groups. I'll go ahead and take a look at this one again.

Okay, so with that said, those are all the things I wanted to go over today, and otherwise the chapter itself has now received edits from Laureen, Jamie and myself to try to improve it, so some of it is stylistic, some of it is removing ambiguity where maybe we weren't as clear with emphasizing a finding or whatnot, but one of the changes to my knowledge should be one of substance changed anything. Whenever you get a chance please go ahead and look at the chapter and contribute edits and yes, Jonathan, correcting my grammar, he made an edit to my own language; I should have said me instead of myself for the record, thank you Jonathan.

And yes, so go ahead and please send me edits, and we still need to discuss and I'll wait until David Taylor and I sync up on the public comments. We still need to discuss our most controversial recommendation which was recommendation D here, and talk about the community feedback from that and figure out what we'll do as a review team with that one too, so they'll still be time to revisit the chapter as a whole in general, but get as many edits to me as possible as soon as possible, and especially for sure with recommendations A, B, and C because otherwise I think we'll be going ahead and adopting those via e-mail.

So I owe you guys the updated versions of those and we'll send those out, but definitely get me some feedback. Thank you.

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JEAN-BAPTISTE DEROULEZ: Drew, I wanted to ask you, since you mentioned that you would be expecting some input from some of the review team managers, can you clarify by when you expect to have received feedback so that you can work on dating this chapter?

DREW BAGLEY: So I guess it sounds like people will get me some feedback today on the recommendations itself, and then I'm not sure if those will include edits to the chapter, but I'm thinking that the chapter from my end will not be finalized until we've discussed recommendation D in case that leads to any discussions that lead to further edits in the chapter itself.

So why don't we say, I'm not sure when we're putting D on the agenda, but I think then this chapter should definitely be finalized within the next couple of weeks; I don't anticipate there being much feedback beyond the next two weeks.

JEAN-BAPTISTE DEROULES: So what I write down is that you expect to send back comment what was presented today let's say by tomorrow end of the day to leave enough time?

DREW BAGLEY: Yeah, and then I can circulate the updated versions of these recommendations by the end of this week, and then the chapter as a whole, that's the one with a longer...

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JEAN-BAPTISTE DEROULEZ:        Okay, thank you for the clarification though.

JONATHAN ZUCK:                 Jean-Baptiste, is that the end of our agenda?

JEAN-BAPTISTE DEROULEZ:        Unless there is any other business?

JONATHAN ZUCK:                 Any other business? Okay, do you have anything logistically you want to add Jean-Baptiste?

JEAN-BAPTISTE:                 No, just what Drew just mentioned; if everyone could send their input before tomorrow end of the day that would be great.

JONATHAN ZUCK:                 Okay, that would be good. Thanks folks.

DREW BAGLEY:                  Alright, thanks everyone.

LAUREEN KAPIN:                 Thanks everyone.

**[END OF TRANSCRIPTION]**