Adobe Connect Chat Transcript
CCT-RT Plenary #74 – 22 August 2018

Pamela Smith: (8/22/2018 05:38) Hello, and good day, everyone!

Pamela Smith: (05:39) Welcome to CCT RT Plenary #74 on 22 August 2018 @13:00 UTC.

Pamela Smith: (05:40) This call is being recorded. Please mute your line when not speaking (*6 to mute, and *6 to unmute). Thank you!

Waudo: (06:00) Hi All. Was there another conference call on 8th August? If so, I'm sorry it skipped me

Jonathan Zuck: (06:00) Brian, that is one FINE bibliography!

Brian Aitchison: (06:00) THANK YOU Jonathan :-)

Jean-Baptiste Deroulez: (06:01) @Waudo No there was not, we had to move it to today.

David Taylor: (06:03) Im on but dont have sound, I'll try again

Drew: (06:04) I'll be your American voice

David Taylor: (06:05) and together the CCTRT can make the Internet Great Again.

David Taylor: (06:05) muted

Jean-Baptiste Deroulez: (06:05) :)

Jean-Baptiste Deroulez: (06:06) thank you! Not that I don"t want to hear you!

David Taylor: (06:06) I am happy to let Drew speak for me.

Jean-Baptiste Deroulez: (06:06) Jonathan, let us know when we can start the recording.

Calvin Browne: (06:07) not sure if i'm getting sound

Calvin Browne: (06:07) ah - call dropped

Jean-Baptiste Deroulez: (06:07) @Calvin, no sound yet :)

Calvin Browne: (06:08) ta - in

Calvin Browne: (06:08) at a conference in a noisy area :(

Jonathan Zuck: (06:09) the "power" button? Is that something they issue you at ICANN?

Calvin Browne: (06:09) grin

Laureen Kapin: (06:10) Are we starting?

Jonathan Zuck: (06:10) we probably should

Jean-Baptiste Deroulez: (06:10) Jonathan, we now have 10 rt members on the call.

Carlton SAMUELS: (06:12) Good morning all

Laureen Kapin: (06:13) Yes, let's tart with disc. of Rec. 15 for context.

Jean-Baptiste Deroulez: (06:15) thanks David.

David Taylor: (06:16) no prob

Jean-Baptiste Deroulez: (06:16) blue is from draft report, orange edits made since then. Green are updates from David.

Waudo: (06:20) what colour are Jordyns edits on REc 15?

Drew: (06:22) Missing footnotes: We suggest 3% of registrations or 30 total registrations, whichever is higher.

David Taylor: (06:23) Waudo Jordyns edits are orange

Drew: (06:23) We suggest 10% registrations or 100 total registrations, whichever is higher.

Jonathan Zuck: (06:23) the affiliation seems to have a big correlation to this issue

David Taylor: (06:23) My edits are green

Gao Mosweu: (06:24) Heello people

Calvin Browne: (06:24) hi Gao

Carlton SAMUELS: (06:42) Howdy do Goa.

Carlton SAMUELS: (06:42) Hiya Calvin. Long time

Calvin Browne 2: (06:45) Carlton - yip

Jordyn Buchanan 2: (06:50) My hand is still up, hopefully

Jordyn Buchanan 2: (06:50) didn't mean to put it down

Gao Mosweu: (06:51) Carlton, its Gao. Goa is in the other country.

Jonathan Zuck: (06:51) iit shows as down Jordyn

Carlton SAMUELS: (06:51) @Gao: Oops. My apologies.

Jordyn A Buchanan: (06:52) I don't think it's possible to separate these questions.

Jordyn A Buchanan: (06:52) Because the changes to 15 are a consolidation of 17.

David Taylor: (06:53) The IRT when it proposed the PDDRP proposed it on the basis of "Finally, the IRT wishes to stress that the Post-Delegation Dispute Mechanism isdesigned to combat (i) Registry Operators that operate a TLD in a manner that isinconsistent with the representations and warranties contained within its RegistryAgreement, or (ii) Registry Operators that have a bad faith intent to profit from thesystemic registration of infringing domain names (or systemic cybersquatting) in theRegistry Operator’s TLD. Whilst it is not possible to define a specific threshold as towhat amounts to systemic cybersquatting,44 given that the Panel needs to take intoaccount all of the relevant facts and surrounding circumstances, the IRT wishes

tospecifically state that this mechanism is not intended to be used against RegistryOperators that may have infringing domain names within their TLDs where suchRegistry Operators do not have a bad faith intent to profit from those infringing names"

Jordyn A Buchanan: (06:54) I was going to suggest what Jonathan is saying right now--say this is a possibility if for some reason the community thinks that ICANN compliance isn't the right forum to adjudicate.

Jamie Hedlund: (06:55) That's right

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Drew: (06:58) we would propose for an annual review of the contracts with each party - ICANN could exercise this power, right?

Jordyn A Buchanan: (06:58) Yes, but the registries need to consent to those changes.

Jordyn A Buchanan: (06:58) I promise they are not going to consent to a DADRP.

Jordyn A Buchanan: (06:58) If there's a reasonable anti-abuse provision, I think that's a discussion they'd entertain.

Drew: (06:58) I'm referring to the substantive obligations (the prereqs, whether or not we have a DADRP)

Jordyn A Buchanan: (06:59) Yes, you could have a contractual amendment through the bilateral review of the contract

Jordyn A Buchanan: (06:59) We'd have to look if the relevant provisions are in-scope for that process.

Jordyn A Buchanan: (06:59) Only part of the contract is subject to amendment through that process.

Calvin Browne 2: (07:01) you first amend contractual stuff - once that is done, you see if it solves the problem, and if not, then look at extra processes

Jonathan Zuck: (07:03) that's what I was saying. we formalize Jamie's concerns about sequence

Jordyn A Buchanan: (07:03) Why would we pre-suppose implementation in a way we don't do for any of our other recommendation?

Jordyn A Buchanan: (07:03) That's just saying Recommendation 17 is part of the implementation of 15.

Drew: (07:04) not my intention

Drew: (07:04) instead it would be a footnote as an another mechanism for the community to consider

Carlton SAMUELS: (07:04) I understand Jamie's point we must have a provision before we add new enforcement powers and the Compliance group is factored in someplace. MWe know this is going to be data driveni. Might we use the specification approach as per RAA2013 as was Privacy Proxy handled.?

Drew: (07:04) rather than saying we say you SHOULD do this

Carlton SAMUELS: (07:05) SO lets suggest the complaints threshold 3% or 10% as trigger to the DADRP

Calvin Browne 2: (07:06) 3% of what?

Carlton SAMUELS: (07:07) Abusive domains reported reltive to registrations

Jamie Hedlund: (07:08) More than resources, we need new authority to address systemic abuse effectively

Jordyn A Buchanan: (07:08) Yes--that's the most important thing.

Calvin Browne 2: (07:08) reported doesn't work for me at all... my competitors report stuff to put me out of business

Jordyn A Buchanan: (07:09) Calvin, the idea is that you'd use well-established third party lists of abusive domains

Waudo: (07:09) HI I lost connection for about 10 minutes..But I heard that the DADRP would have a problem due to lack of enforcement mechanisms. I also wonder about the "qualified complainants" at teh bottom of the page. Presumably these would be individual complainants chasing individual abuse cases rather than "systematic abuse". Would they be motivated to pay the filing fee to chase a "class action" rather than their individual complaint?

Drew: (07:10) Unfortunately, I have to drop off. I think we really have consensus on the core issues. I like the idea of referencing a DADRP in 15, to better note that we are not ignoring ICANN Compliance's mandate but also acknowledging that DRPs can be useful mechanism to address certain issues, such as what Jamie alluded to with regard to abuse issues that might be too complex for ICANN Compliance.

Jordyn A Buchanan: (07:10) And I think David and Drew had suggested more than 1.

Jordyn A Buchanan: (07:10) So if more than two well-established blacklists have you at >3% abuse then that automatically generates a compliance inquiry.

Jordyn A Buchanan: (07:11) And then at >10% it's assumed that you're in breach and you have to rebut that.

Jonathan Zuck: (07:11) "details" not footnote

Jordyn A Buchanan: (07:12) I could take a stab at further editing 15 to do that.

Drew: (07:12) So perhaps the discussion could focus on to what extent a footnote in 15 should reference a DADRP and then whether or not it makes sense to have a more elaborate explanation of what a DADRP would look like (Rec 17) - this would still clarify the need to include the required contractual changes no matter what enforcement mechanisms are created

Laureen Kapin: (07:12) Yes, I would NOT put in fn -- suggest referencing as an attachment.

Drew: (07:12) good point - details is probably a better section for it

Drew: (07:12) as details are allowed to be just that, details ;-)

Jordyn A Buchanan: (07:12) It will get a bit long if we import the whole thing into Details.

Drew: (07:12) OK, sorry guys - thank you for a really productive discussion! think we are really getting somewhere

Jordyn A Buchanan: (07:13) I think the high level in Details, some of the details in a footnote and some of it to the dustbin of history.

Drew: (07:13) will look at your Rec 12 later JB

Calvin Browne 2: (07:16) yeah - look - 3% could be 3 names in a 10 registration zone :)

Jordyn A Buchanan: (07:16) Yes, there should be a minimum count as well.

Jordyn A Buchanan: (07:17) I think I put 3% or 30 names and 10% or 100 names.

Jordyn A Buchanan: (07:17) But I think it's lost in a footnote.

Jordyn A Buchanan: (07:17) I think the current version is being displayed isn't actually my edits.

Jordyn A Buchanan: (07:18) But I'll take a stab at consolidating all the conversation today to capture the concerns.

Jordyn A Buchanan: (07:21) For PDDRP we didn't have the benefit of live TLDs to look at, though.

Jordyn A Buchanan: (07:21) Now we have a real-world problem we're trying to fix.

Carlton SAMUELS: (07:21) Is anyone having a difficulty hearing David? Like his voice is being 'anonymised'?

Jordyn A Buchanan: (07:22) I can hear him okay.

Carlton SAMUELS: (07:23) Ok. Seems my audio is getting an interference

Jordyn A Buchanan: (07:26) I'll wait til Friday to do anything and start with anything that's been sent out before then.

Jordyn A Buchanan: (07:26) And send something out EOD Monday.

Jamie Hedlund: (07:26) Works for me!

Jamie Hedlund: (07:26) Thank you for the great discussion

Carlton SAMUELS: (07:26) Thanks all

Jonathan Zuck: (07:28) I dig it!

Calvin Browne 2: (07:30) nothing says stop....

Carlton SAMUELS: (07:31) I say accept.

Jordyn A Buchanan: (07:33) Sorry, I have to drop off now. Let me know if there's any more action items.

Kaili Kan 2: (07:37) Thanks to all!

Pamela Smith: (07:37) Thanks, all.

Carlton SAMUELS: (07:37) Thanks all. Bye all