

Adobe Connect Chat Transcript CCT-RT Plenary #76 – 5 September 2018

Brenda Brewer: (9/5/2018 07:35) Good day all! Welcome to CCTRT Plenary #76 on 5 September 2018 @ 13:00 UTC.

Brenda Brewer: (07:36) Please note this meeting will be recorded. When not speaking, mute your phones by pressing *6. Press *6 to unmute. Thank you.

Carlton Samuels: (08:01) Good morning all

Calvin Browne: (08:03) Afternoon Carlton

Calvin Browne: (08:04) Interestingly - I somehow didn't get this meeting in my calendar

Gao: (08:07) Hello All

Jean-Baptiste Deroulez: (08:12) All, we are waiting for David's updated on rec.15. We'll project it asap.

Carlton Samuels: (08:13) Hiya Gao

Carlton Samuels: (08:13) I'm now on the audio bridge

Gao: (08:14) Hey Carlton.

Drew Bagley: (08:20) we need to fix the typo for "Security"

Waudou: (08:26) use "is" rather than "were" in ICANN Compliance were not

Waudou: (08:27) also use "would" rather than "could". Such a procedure could...

Karen Lentz: (08:35) i heard someone trying to get in the queue i think

Brenda Brewer: (08:36) Jamie joins

Carlton Samuels: (08:38) Might I have the floor?

Jordyn A Buchanan: (08:38) I raised my hand but I agree that someone else tried to get in so they should be next.

Jordyn A Buchanan: (08:39) Yeah, Carlton is next.

Jordyn A Buchanan: (08:40) Jamie can go before me.

Jordyn A Buchanan: (08:40) I've been talking a lot.

Jean-Baptiste Deroulez: (08:40) ok Jordyn

Jordyn A Buchanan: (08:41) Yes, Carlton is describing the problem correctly--the model is focused on individual instances of abuse today.

Jordyn A Buchanan: (08:41) The fixt to that is mostly orthogonal to who decides it.

Jordyn A Buchanan: (08:42) There needs to be an expectation in the contract that you deal with systematic abuse.

Jamie Hedlund: (08:42) The way it currently works for PICDRP is that the complainant can ask for a DRP, or compliance can refer to DRP at its discretion. No justification is necessary for throwing it to a DRP. But again, the DRP is going to be limited to the same contractual language as Compliance. If it remains as 3.1.8, investigate and respond, the DRP will not have any more authority to demand action.

David Taylor 2: (08:44) I agree with that and Jamie

Calvin Browne 2: (08:47) mememememe

Jamie Hedlund: (08:48) If the recommendation includes a generous severance package, I might be able to support a recommendation to fire me.

Calvin Browne 2: (08:48) lol

Jamie Hedlund: (08:49) Well said.

David Taylor 2: (08:54) How about losing the OR that Jordyn doesn't like and including Jamie's bit so: "Such a procedure could apply if ICANN Compliance were not the right body to resolve a complaint related to DNS Security Abuse is ill-suited or unable to do so or refers a case to the DADRP and the registry operators or registrars are identified as having excessive levels of abuse"

Jamie Hedlund: (08:54) That only works if the new contractual language is adopted first

Jordyn A Buchanan: (08:55) I don't think that sentence parses grammatically.

David Taylor 2: (08:55) probably doesn't but trying to go to the essence!

Carlton Samuels: (08:55) @Jordyn: I agree systemic and repeated abuse needs to be addressed in the contract. I also agree that registries would have a higher burden to fix these. I think that a contractual mechanism should determine what happens for predictability. And if there is a special panel or construct as a vehicle for solution cannot be disconnected from the contractual mechanism

Jordyn A Buchanan: (08:58) Such a procedure could apply if ICANN Compliance were not the right body to resolve a complaint related to DNS Security Abuse because the community determines it is ill-suited or unable to do so and registry operators or registrars are identified as having excessive levels of abuse. Alternatively, it may be useful for compliance to be able to refer a case to the DADRP

Jamie Hedlund: (08:58) So does the DADRP kick in only if the new contractual enforcement language is adopted?

Jordyn A Buchanan: (08:59) Right.

Jamie Hedlund: (08:59) I think we are overly complicating this. It should be enough that a DRP would provide an alternative means to ensure enforcement of the contract.

Jordyn A Buchanan: (08:59) DADRP is just a potential enforcement venue for new contract language

Jamie Hedlund: (09:00) The complainant may decide to request a DADRP or compliance may refer it to a DADRP for a variety of reasons

Jean-Baptiste Deroulez: (09:00) @David, you can maximize the chat by clicking on the arrow on the top-right hand corner and hit maximize.

Jamie Hedlund: (09:03) Why do you want to rely on a community finding that compliance is ill suited?

Jordyn A Buchanan: (09:03) We're not trying to be specific.

Jordyn A Buchanan: (09:03) Just making it clear that the community should figure out a procedure in advance. :-)

Carlton Samuels: (09:05) @David: Think of the physical and mental elements of a crime. What we have here is a need to address the elements separately and to folks who are not even perpetrators

Drew Bagley: (09:05) agreed - I think that's implied by the creation of a DRP

Jamie Hedlund: (09:07) There could be many reasons to refer a matter to DRP apart from ICANN compliance incompetence. A dispute could center around determining whether conduct is DNS abuse. Compliance may not have the technical expertise to make that determination.

Jordyn A Buchanan: (09:09) Yes, agreed.

Jordyn A Buchanan: (09:10) That's why the community could decide in advance what the procedure would look like and where it would refer matters out to the DRP.

Jordyn A Buchanan: (09:15) Yes, I'm happy with the language I proposed. :-)

David Taylor 2: (09:21) So I am good to have the below language:

David Taylor 2: (09:21) "Such a procedure could apply if ICANN Compliance were not the right body to resolve a complaint related to DNS Security Abuse, is ill-suited or unable to do so and the registry operators or registrars are identified as having excessive levels of abuse. It may be useful for compliance to be able to refer a case to the DADRP"

David Taylor 2: (09:23) The OR is out. :-)

Jordyn A Buchanan: (09:24) Now it's just part of a serial or.

David Taylor 2: (09:24) sounds like a serial killer!

Jordyn A Buchanan: (09:25) (i.e. it's unclear where the new or applies)

Jordyn A Buchanan: (09:25) How about this:

Jordyn A Buchanan: (09:26) The community may create such a procedure if ICANN Compliance were not the right body to resolve complaints related to DNS Security Abuse, is ill-suited or unable to do so and the registry operators or registrars are identified as having excessive levels of abuse. It may be useful for compliance to be able to refer a case to the DADRP

Jamie Hedlund: (09:26) Those all sound like conditions for invoking a DADRP. Who decides if they are met?

Jordyn A Buchanan: (09:26) That makes it clear it's a general approach rather than per-case.

Jamie Hedlund: (09:26) Referring to David's language

Jamie Hedlund: (09:27) Still from a process perspective it is not clear when a case would go to DRP (other than allowing compliance unfettered discretion)

Jordyn A Buchanan: (09:28) Jamie, yes I think the idea here is it's just an option for the community to decide during implementation.

Jamie Hedlund: (09:29) Maybe add to Jordan's phrasing that the community would determine the conditions under which a complainant can invoke a DRP

Jamie Hedlund: (09:29) conditions or procedures

Jordyn A Buchanan: (09:30) I think there's lots of good stuff in our report. :-)

David Taylor 2: (09:31) I do too!

Jordyn A Buchanan: (09:31) What Drew just said is fine. :-)

Jamie Hedlund: (09:32) Brilliant!

Jordyn A Buchanan: (09:32) That seems more like an implementation question?

Jamie Hedlund: (09:34) Yes but it's to distinguish between grounds for creating DRP versus conditions for invoking a DRP on an individual case basis

Jordyn A Buchanan: (09:36) I've got to drop off in five minutes, unfortunately.

Jordyn A Buchanan: (09:38) Lauren, the idea isn't that there would necessarily be a DADRP in parallel, but that the community can decide when it goes to implement the contractual language that it needs to be considered outside of the usual compliance channels.

Jordyn A Buchanan: (09:38) This is something the community would need to consider as it thinks about how to deal with enforcement of the new contractual requirement.

Jordyn A Buchanan: (09:44) Okay, I've actually got to drop.

Jordyn A Buchanan: (09:44) Sorry!

Jordyn A Buchanan: (09:44) Hope you guys like my language. :-)

Jordyn A Buchanan: (09:44) Sounds good--thanks.

Calvin Browne 2: (09:48) I also need to drop off - gotta go do kid duty

David Taylor 2: (09:54) So also add in to the first one at the end "The Community should determine the conditions under which a complainant can invoke a DADRP"

Jonathan Zuck: (09:55) that makes sense. In the end, there's going to be a lot of conversation about this.

Jonathan Zuck: (09:57) very exciting

Gao: (09:59) I have to drop off as well. I will catch up on emails.

Drew Bagley: (10:05) Ciao Gao!

Carlton Samuels: (10:06) Have to drop off now. Se y'all.

Drew Bagley: (10:08) Thanks Carlton!

David Taylor 2: (10:08) https://urldefense.proofpoint.com/v2/url?u=https-3A_icannwiki.org_Trademark-5FClearinghouse-23cite-5Fnote-2D12&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDL6-6F24x0ArAvhdeDvvc&m=ISi711uxYyxGaaK4bVBXYjg4kYcWepx3PG8LT-Yq5f0&s=Yv3WVD3aNS_CO_bIGHknxvkcMW-Z-lt6jEdtykK-Qjs&e=

David Taylor 2: (10:08) its not that good though...

David Taylor 2: (10:11) Recent developments It was decided on 20 March 2013 that most aspects of ICANN's "Strawman Solution" would be implemented in order to extend protections under the new gTLD program. One approved feature was the Trademark +50 (TM+50) abused variations model, whereby trademark owners are now permitted to attach up to 50 previously abused domain registrations to a TMCH record, which have been connected to a Uniform Domain-Name Dispute-Resolution Policy (UDRP) or court proceeding at the national level. These Labels are not eligible for Sunrise registration periods, but they do qualify for Trademark Claims.

David Taylor 2: (10:11) That is from: https://urldefense.proofpoint.com/v2/url?u=https-3A_comlaude.com_news_trademark-2Dclearinghouse-2Dpinning-2Dlabels-2Dverified-2Dtrademark-2Drecords-2D0&d=DwIFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=ISi711uxYyxGaaK4bVBXYjg4kYcWepx3PG8LT-Yq5f0&s=spR_w6g7WCKl0HQFm5ZUm895Ctk42wPn8666d7LqahU&e=

David Taylor 2: (10:11) but the links in it are broken...

Dejan Djukic: (10:12) Thank you everyone!

Laureen Kapin: (10:12) Big thanks to all for getting across the finish line.!

David Taylor 2: (10:12) here is another one

David Taylor 2: (10:12) https://urldefense.proofpoint.com/v2/url?u=http-3A_www.circleid.com_posts_20160801-5Ftmch-5Freview-5Frecommends-5Fstatus-

