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RECORDED VOICE: This meeting is now being recorded.

BRENDA BREWER: Good day, everyone. This is Brenda speaking. Welcome to SSR2 Review Team Plenary Call number 47 on 11<sup>th</sup> of October 2018 at 14:00 UTC. Attending the call today is Ram, Kaveh, Russ, Norm, Scott, Denise, Eric, Lauren, and Kerry-Ann. Naveed just joined. We have no observers at this time. For ICANN Organization, Jennifer, Negar, and Brenda. We have apologies from KC, Alain, and Steve. Today's conference is being recorded. May I please remind you to state your name before speaking? Russ, I'll turn the call over to you. Thank you.

RUSS HOUSLEY: Hi. So I know we lost a couple people today because of the root key role. Well, hopefully we can make progress anyway. I am worried that the first thing we wanted to talk about, we cannot do without Alain. He's sent some mail about the way we're approaching SSR1 and I, at least, couldn't understand what he was trying to get us to do differently. But he's not here. Does anyone on the call feel like they knew what Alain wanted that we're not doing? Okay, only hearing silence. I think we're going to have skip that agenda item and try and understand that when we get together next time.

So, moving forward then. Let's see if we can make some progress on some of the SSR1 recommendations. When I was reviewing the notes and then talking to the vice chairs about last call, we thought it would

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be useful to add to the recommendation number eight discussion something that was—seemed to be part of the tone but not actually written down, which is, ICANN has produced a list of organizational relationships and this team has found no complaints related to that, but the lack of complaints is not sufficient evidence that all of those relationships are working well. Does that make sense to everyone?

Okay, so we'll do that and then lets move on to recommendation 10. Denise and the doodle, you had taken the lead on that one. Would you lead us through that one?

DENISE MICHEL:

Sure, and again, I'm not on Adobe yet because I'm in transit and if I get dropped in our call, I'll get back in. So, if others aren't on Adobe yet, I'll just quickly read what number 10 is, increased contract compliance enforcement. Recommendation 10 says that ICANN should continue with efforts to step up contract compliance enforcement and provide adequate resources for this function.

ICANN also should develop and implement a more structured process for monitoring compliance issues and investigations. The ICANN staff report for this recommendation is following as evidence that this recommendation has been implemented according to compliance activity, launch of a complaint tool, a [inaudible] survey, launch WHOIS inaccuracy [inaudible] complaints—

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DENISE MICHEL:                   -- complaints, submissions found out in FAQs, compliance automated outreach, and a new position on the compliance staff. So [inaudible]. There's a number of different data support points that are now in the public realm. However, the accuracy and utility of these reports is spotty. For example, several dashboard reports show numbers of particular types of complaints and then show a greater number of those types of complaints were closed without review.

So, I think it would be useful for SSR1 to take a closer look at the following of the reporting. The majority of the issues, though, in the staff of SSR1 implementation report highlight matters that relate to WHOIS. The inaccuracy reporting has been this way since about 2012 and the complaint submission process has been, as they indicated, broken into three parts and even accuracy complaint forms and services complaint form.

The new registry agreement contains that they also cite complications of the contracting party relating to security and stability, including an on-site disclosure, alteration, insertion or instruction of registry data, lack of compliance with RSC. Registrar agreement, the RA-2013, contains fairly vague and [inaudible] rights for ICANN in relation to registrars whose operation endangers registrar services, registry services, or the [inaudible].

Compliance reports, of course, from 2017 and 2016, contain little evidence of SSR enforcement actions related to any of these actions. The escrow that forms the basis of one breach notice that they documented in 2017 and that 27% of the complaints are in 2016, but otherwise there's little information relating to SSR issues in the compliance reports that are publicly available.

In regard to the factor that is mentioned in SSR1 reports is ICANN still reduce the incidences impacting registration abuse and [inaudible], based on other reports available, including reports coming out of the ICANN staff, its unclear at all to what extent this will carry through into compliance actions and other negative effects of reducing such conducts by registries or registrars.

I think would be useful to have ICANN provide a clear summary of complaints and enforcement actions against registries and registrars taken by contractual compliance on the basis of SSR1 obligations in a year and to what extent and acts ICANN measures the impact of registration of these [inaudible] by contracted parties. So, in sum, and I'll share this information on the email list, I think ICANN has certainly made progress on this.

I think we need to ask a couple of follow-up questions, so we can get a little bit more clarity on the information performed, including our assessments. But, my assessment is that it continues to be relevant and much clearer activity that metrics are needed in this space in order to be effective in going forward. That's all there. Any questions you may have? Is anyone there?

BRENDA BREWER: Russ, this is Brenda. Your line is muted.

RUSS HOUSLEY: Thank you. I don't know how that happened, because I used my handset mute. At any rate, let me start over. Denise I am trying to understand how much of this is because the SSR language was hard to measure and how much of it is because of sensitivities around the contractual aspects and what kind of a recommendation would be more measurable and steer clear of those sensitivities?

DENISE MICHEL: Yeah, great questions Russ. I think, as we've discussed in the past, most of the recommendation from SSR1 could've been written in a clearer way, given the number of ICANN board responsibilities in this area. However, I think there was a daily clear path for staff to create clear implementation plans and metrics attached to those and report on that.

So, I think there's certainly additional things that should've been done but I think we should begin by asking a couple more questions before we kind of make that final assessment. I'm not quite sure what you mean by sensitivities and perhaps you could clarify that. I'm happy to address that.

RUSS HOUSLEY: There's always aspects of these contracts which the registrars don't necessarily want to talk about in a public way and I don't think they

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affect the SSR part of things, but it's often used as a shield is my understanding.

DENISE MICHEL:

Yes, well, I think if we feel like there's confidential information that we should seek to further assess ICANN's work—we have the ability to do that. But, you know, looking at the clear contractual obligations and intersection of SSR for that perspective and its recommendation and just looking at the information that's publicly available. If you feel like we—

RUSS HOUSLEY:

No, no, no. Sorry, I don't mean to cut you off. What I meant was we need to stick to—we need to make sure that the recommendation's written in a way that says, "Using publicly available data." Or something along those lines so it has that shield. That's all I was recommending.

DENISE MICHEL:

Yeah, that's a really good point. I agree with that.

RUSS HOUSLEY:

I'm not seeing any hands, but Denise do have a feeling for what the yet to be asked questions would look like?

DENISE MICHEL:

Yeah, I have a couple I think—and again, I'll put all these on the list so those that weren't on the call can view it and others can take a look at it

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and add to it and they see fit. I think that the clear summary of the number of complaints and actions against registries and registrars taken by compliance team on the basis of their application, in the past five years, company basic metrics that I think we should make one more attempt to get before we close the vault. And then making sure we understand the extent to which ICANN is measuring the instant impact of registration abuse and [inaudible] by contracted parties.

I think those are two key data points and questions that we should follow up with on this. Right now, I have this listed as implemented—in my view, implemented in part. I think at this point given the information that is in the public sphere, I would say the implementation did not fully have the intended effect and that the recommendation is even more relevant today and I'll be following up with more suggestions for further work for the consideration of the [inaudible].

RUSS HOUSLEY:

So, does anyone disagree with the way forward that Denise is suggesting and does anyone have any suggestions for improvements to the question she's suggesting?

KERRY-ANN BARRETT:

Russ, this is Kerry. I have a hand up.

RUSS HOUSLEY:

I don't see any hands on the display. So, okay, but please go ahead, Kerry-Ann.

KERRY-ANN BARRETT:

Yeah, I think I have to work with Steve with my app on my phone. That is what happens with it. Denise, does the consideration—two questions; is it a matter that the contract terms that were negotiated with registrar, we as a team could recommend that in terms of the SSR considerations is that it was not sufficiently considered going forward? As I said, the SSR review would have been before those renegotiated terms, so, I'm just checking to see if we wanted to make a suggestion that in future when the terms are opened again for renegotiation that it should have stronger SSR consideration?

And the second question I have is, in terms of the audit that they say that is conducted with the contracts, do we believe, based on the yearly assessment that the audits are done at a very rigorous level, or is it at a very minimal kind of, bare minimum requirements that they actually check for? And is it only activated with there's a complaint only, or is it that we can say that we're keeping that should be checked on a regular basis in our own set of the audit period, more randomly?

Because I think that the intent, probably, for the SSR recommendation was to insure that registrars were kind of not the first line of defense for this but at least has some amount of oversight because of their direct role with the persons who are registering the domain names. I'm just checking to see how we transfer that recommendation from the SSR1 instead of probably ruling it out as complied with but additional information but more specifically to the intent of what can actually make things better going forward. I hope I made sense. If not, I can try and repeat.

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DENISE MICHEL:

No, that makes perfect sense. Thank you for that. I think those are important attributions. Yes, the review team can certainly provide the recommendations around SSR and compliance section and language when the registrar contract is updated and when the HELE base agreement and the registry agreements are updated. That's something that the review team can look at if they feel that action is wanted, and ICANN compliance does regular audits.

And I think that it's a good idea to take a closer look at the elements that they audit on and the action that they take and it's up to the discretion of ICANN compliance who they audit each time and the process they use for that audit. So, I think that's a good suggestion and I'll make a note to take a closer look at the details of the audits and come back with some additional information relating to the recommendation 10.

KERRY-ANN BARRETT:

And I can add just one example for other consideration of the team in that regards the member of the PSWT. One of the issues that some of the law enforcement officers had is, given an example of the pharmaceutical fraud that happened—a lot of them would probably register, for example, with dot CE, and the website that they have when you actually check it, it's actually not what they registered for initially and they actually sell products that are illegal on the websites and in terms of when we ask the contract compliance how are they able to

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help monitor those sites and they'll see how the registrar can actually either deregister the person or take further action.

The lot of it was, it's not possible. It's on the contracts and it's just the idea of how we can boost the ability of the registrars themselves, if they want that responsibility, which I think sometimes you do talk to them, that's not a responsibility that they want, but just to see how we can help ICANN unit compliance at least be able to take some public safety considerations into account with an SSR consideration, if possible. Or readmit.

DENISE MICHEL:

Yeah. That's another great observation. ICANN compliance has a very, I think—many business security than the rest of the world but it has a very unique and narrow interpretation of the contracts as they stand and they've been asked in various forums to articulate what tools they don't have and what authority they don't have that they would like to have in the contract to do their job more effectively, but I haven't seen answers in the process on that either, so, that's also an area, I think, we're considering further. Thanks.

RUSS HOUSLEY:

Okay, I see a hand from Norm.

NORM RITCHIE:

Yeah, on the contractual compliance, I guess this kind of covers a number of areas, but this earlier talk about gTLDs here, because Kerry-Ann you mentioned dot CA which is a ccTLD, and I just want to clarify,

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are we looking at both, like all the meetings or just gTLD? I believe it was just gTLD, that was my understanding.

DENISE MICHEL: Yeah, that's a great question Norm. Of course, ICANN compliance does not have a standing to—

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DENISE MICHEL: ICANN Org doesn't have contracts with CCLT and so, ICANN compliance will really relate strictly to the gTLD space. However, country code top level domains are part of the ICANN ecosystem, and if the review team felt that the backdoor recommendation was warranted in the GD space, I think it's something the review team should discuss but that would be separate from ICANN compliance section.

RUSS HOUSLEY: I would say that if we're going to say something in that space, we should make them two different recommendations so that we give the board a clear way to make statements about one without it bleeding over to the other.

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NORM RITCHIE: Yeah, and just on that, there's many gTLD's have signed letters of—I forget the phrase, but there's letters that have been signed with ICANN that they can act a certain way. So, it's not a contract but it is a commitment, but I don't know if there's any enforcement there.

DENISE MICHEL: Yeah. You're right, Norm. Some are memorandums of understanding and I think there's one other—another review as well. Not that many ccTLDs have those types of agreements. They are not considered important. I think for the most part, it's been a long time [inaudible].

RUSS HOUSLEY: Okay. I'm not seeing any hands. I know that some of you can't raise hands. If you have anything now, please speak up. Okay. Thank you, Denise. Let's see if we can move on to number 14. Laurin, were you the one who took this one? I can't remember. I have to go find the doodle.

JENNIFER BRYCE: Russ, it's Jennifer. Recommendation 14 doesn't have any sign-ups on the doodle poll.

RUSS HOUSLEY: Okay. What's the next one on our list that does?

JENNIFER BRYCE: 15. Ram has volunteered for that one.

RUSS HOUSLEY: Okay. Let's jump to 15 then. Ram, can you lead us through that? Ram is typing. Ram can only listen. Brenda, are you able to help or not?

BRENDA BREWER: Well, my first question is, is if that is Ram's location that he can only listen or would—or would he like me to dial out to him? Same with Laurin, I'm happy to dial out.

RUSS HOUSLEY: Okay, so Ram can only listen from where he is. Is that--?

BRENDA BREWER: That's my understanding.

RUSS HOUSLEY: Okay. Well, he can't lead a discussion that way. Jennifer, what's after 15? Have any of the other three been claimed?

JENNIFER BRYCE: No, the other three have not yet received any volunteers.

KERRY-ANN BARRETT: Russ?

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RUSS HOUSLEY: Yes?

KERRY-ANN BARRETT: This is Kerry. Let me know if I can just make a point about 14 and 16.

RUSS HOUSLEY: Sure, go ahead with 14.

KERRY-ANN BARRETT: One of the things I had wanted to change, and I had sent in an email, I think to staff is recommendation 14 and 16 seems to be among the list of those that would be kind of hard to establish or assess the effectiveness because it speaks about outreach activities and the information that we've received so far regarding them are more ICANN documenting various engagements that would have had since then until present. What is sufficient the recommendation doesn't elaborate, it just says that it should be continued and remain relevant and timely.

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KERRY-ANN BARRETT: Similarly for 16. It's an outreach effort in terms of whether or not ICANN has the ability to receive input regarding the SSR framework process. So, I think it's two that we should probably just be able to probably just discuss in terms of whether or not—to me I do not think

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we can assess the efficiency of it but as much as probably encourage the continuation of it.

So, I don't know if it's something that needs to be on the doodle list or not. So, just up for discussion whether or not we need to have a primary discussion on 14 and 16, or just a quick assessment as to whether or not we should just give a general recommendation that these activities be continued and reported on, on the ICANN website. Just a suggestion.

RUSS HOUSLEY:

So, Kerry-Ann, I agree with your view of what's going to be said, but I was hoping we would have a review team member to carry the pen for each of these. Maybe, you'd like to pick one of those two?

KERRY-ANN BARRETT:

I've already volunteered for two.

RUSS HOUSLEY:

Yeah, I know you did.

KERRY-ANN BARRETT:

I had made that assessment and kind of sent a note ahead of time but I had selected the ones I did. These two may be two that we could put on the [inaudible], have like that bucket, that separate side that we could make a general comment about that batch that they may be difficult to assess but some effort has been made and it's something

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that should continue. But it's just a suggestion and maybe, yeah—we could probably discuss it together to see how we feel about this part since we have no one volunteer and Ram is not able to speak yet.

RUSS HOUSLEY:

Yeah. So, does anyone disagree with the direction Kerry-Ann is suggesting for 14 and 16? I'm not seeing any hands and I'm not seeing anyone trying to speak. So, we'll put these in the hard to assess but actions were taken direction. Laurin's still trying to figure out how to get in. Okay, I believe we've done everything we can do on the recommendations that were on today's agenda. Please, please, please sign up so that we can complete all of the recommendations that we have answers to and so that we can move forward.

It was suggested that the next call that we have scheduled is for the 18<sup>th</sup> of October but that a bunch of people will be travelling to Barcelona. I think the 19<sup>th</sup> is the latest most people will be leaving in order to get to Barcelona for our face-to-face meeting on the Sunday. So, it was suggested that we will have really poor attendance, so we should just cancel the call on the 18<sup>th</sup>. I think we're going to do that unless there's someone that says, "Oh, no, no. I've got something I really need to share that day." Okay, then we'll do that.

DENISE MICHEL:

Hey, Russ. It's Denise.

RUSS HOUSLEY:

Go ahead, Denise.



DENISE MICHEL: I agree with that. I would suggest however that we commit to continuing our work on the email list. So, I think in particular, it would be great if we could come to closure on the draft workplan that I hope to get on the list today and of course progress on the SSR1 recommendations. If we could have people that are holding the pen on SSR1 recommendations make sure that they put their initial draft in the Google Doc before we hit the ground in Barcelona, I think that would really help us get a lot of work done at our face-to-face meeting. Thanks.

RUSS HOUSLEY: Yes, I completely agree. I hope we can at least get through all of the SSR1 recommendations at the face-to-face. Staff is working hard to make sure that all of the questions are answered before we meet. So, hopefully we can get that part done and then get started on either the ICANN SSR or the DNS SSR. Okay, Jennifer, do you want to go over the—oh, we have the other business. Is there any other business someone wants to raise?

KERRY-ANN BARRETT: I just have one more.

RUSS HOUSELY: Go ahead.

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KERRY-ANN BARRETT: For those of us who will try to participate in the meetings remotely, I don't know if staff would just confirm which meetings will be accessible for participations and which ones maybe some of the community engagements that will not be accessible; if we could just have an email with the relevant links so that at least I could schedule appropriately because you guys will be, I think, six hours ahead of me. So, I just want to see which ones I will be able to participate in, so I can indicate early.

JENNIFER BRYCE: Hey, Kerry-Ann. It's Jennifer. We can certainly do that. I'll just add that to the action maintenance.

KERRY-ANN BARRETT: Thanks, Jen.

RUSS HOUSLEY: Okay. Jennifer, you want to go through the action items?

DENISE MICHEL: Sorry, a little late off the mute button. I have just a couple more action item things just to raise before Jennifer reads through the list.

RUSS HOUSLEY: Alright, go ahead.

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DENISE MICHEL:

Just to speed this up and again, encourage SSR team members to be active emails in the next week, the chairs anticipate posting last drive to be used in Barcelona. I think we'll be posting a draft for any input that team members may have. We'll also be posting a drafting with face-to-face meeting agenda for any input team members have as well and then according to our general outreach plan, we also will be posting a blog or sharing an update with the community and again we will be posting a draft of that as well on the email. Thanks.

RUSS HOUSLEY:

Okay, I see hands from Laurin. Laurin, if you're talking, we can't hear you. Already typed it up—okay. So, yes, he's saying lets make sure that the Google Doc already has the information from the ones we've talked about on calls. Okay, Jennifer.

JENNIFER BRYCE:

Thanks Russ. I'll read through the action items in just a second. I just wanted to flag for the review team that the Google Doc has been uploaded, however, some review team members at the moment will have problems accessing it because you need to have a Google account to do so. So, we'll be following up individually off this with the team members to help review that issue as quickly as possible. I will now go through the action items.

So, recommendation 10, Denise is going to sample questions and suggestions regarding consideration for further work for the review team via email to the list. On recommendation 10, staff to provide

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details regarding which SSR2 sessions in Barcelona will have remote participation on list.

Team to progress work on list between now and Barcelona with the aim of team members sharing initial [inaudible] proposals on all SSR1 recommendations between now and Barcelona. Leadership will post draft sites and meeting agenda for Barcelona to the list for review team input. And similarly, leadership will post a draft [input] to the list for review team input. I hope I captured everything. I see Laurin's hand—I'm not sure if it's old or not, but comments or edits are welcome. Thanks.

RUSS HOUSLEY: Laurin, is that an old hand? [AUDIO BREAK] Well, since I don't see him typing or hear him speaking, I'll just assume it's an old hand. Alright, thank you all and we'll see you in Barcelona.

KERRY-ANN BARRETT: Bye, everybody.

RUSS HOUSLEY: Bye-bye.

MULTIPLE SPEAKERS: Bye.

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