
ICANN67 | Virtual Community Forum – GNSO - RySG Membership Meeting
Tuesday, March 10, 2020 – 14:00 to 17:00 CUN

MICHELLE DESMYTER: Good morning, good afternoon, and good evening. Welcome to the RySG membership meeting on Tuesday, the 19th of March, 2020.

Today's meeting is being recorded. Please remember to state your first and last name before speaking, and please keep your phones on mute when not speaking to avoid any background noise.

With this, I will turn the meeting over to Donna Austin. Please begin, Donna.

DONNA AUSTIN: Thanks very much, Michelle. Welcome, everybody, to the Registry Stakeholder Group meeting for ICANN67. Because this is a remote meeting, our agenda is a little bit shorter than it would normally be. But we still have some outstanding items to get through.

I understand this is an open meeting, so we have more than our usual registry operators that are on the call. So it would be really helpful if you could put your affiliation next to your name, just so that us as registry operators know who are registry operators and those that are observing. It'd be really helpful. Thank you.

And thanks, Rubens, for the reminder. This is not a closed meeting. It's open to everybody.

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Sue, next slide, please. This is our agenda for the meeting. One of the important items that we need to get through today is the review of the RySG charters and bylaws. Beth Bacon is going to take us through that. That's something that we've been discussing as a stakeholder group for some period of time now. Hopefully we're in the homestretch.

We have a discussion of DNS-abuse-related issues. What I hope to get from this conversation is—we've identified three questions—that there'll be some exchange of information among the registry operators for what processes and procedures to go through to respond to DNS abuse and also what policies, procedures, and tools they have in place to prevent or litigate DNS abuse. We've spent a lot of time talking about DNS abuse as it relates to our obligations in the registry agreement, and we spent a lot of time on that during the Montreal meeting. But what we'd like to discuss during this call is a little bit more about what we do as registry operators from a practical perspective in mitigating and addressing DNS abuse.

For the session that we have on policy issues and topics, I didn't have anything identified for discussion because I just wasn't sure what would rise to the top of discussion as a result of this meeting. But Mar[k], Alan, and Matt, if you could be prepared to provide an updated on what's happening with the EPDP. Also, Keith, I understand, is at the council meeting tomorrow, so there'll be a quick overview of what's happening there. I know Jeff isn't on the call yet, but there has been some interesting discussion on the SubPro meeting that just took place on the intersection between CCT recommendations, GAC

advice, and expectations for recommendations coming out of the PDP. So I think that could be interesting for us to hear: the context of the discussion and perhaps some discussion about how we think that could move forward.

Finally, we have a registry-only meeting with the Board tomorrow. Generally, we have a CPH meeting with the ICANN Board during ICANN meetings. But registrars decided that they didn't want to go forward, but the registries did. So we need to have a discussion about the topics that we've identified for the Board, topics that the Board have identified, and how we want to respond to those. So that's the last 30 minutes of the call.

Are there any questions or AOB items that anyone wants to raise?

I don't see any hands. Also, I know we do have a few observers on the call. If there's any part of the discussion that you have a question on, you can either put that in the chat and we'll try to address it, or, depending on how the conversation is going, if you want to raise your hand, we can try to respond to it that way. But this is just a general Registry Stakeholder Group call, so I expect that most of the discussions is going to be amongst the registry operators.

With that, Beth, I will hand it over to you to take us through the charters and bylaws review. Thank you.

BETH BACON:

Hi, everybody. Can everyone hear me all right? Because you're going to hear a lot of me in the next little while.

UNIDENTIFIED FEMALE: Yes, we can hear you, Beth.

DONNA AUSTIN: Yeah.

BETH BACON: Thanks. Can we bring up the summary of comments document so that folks can follow along at home?

What we've done recently is we've gone over this at some length during our biweekly calls. As of now, we have two documents. We have the bylaws and charter, and then the operating procedures. We did open those up on our previous biweekly call for review and comment to the stakeholder group. I'm really happy to say and would like to say thank you very much to the several people who really dug in and made some comments and flagged a lot of really important conforming and clarifying edits, where things don't make sense, and just some questions about policy items that might be a hangover from all drafts that we would like to get rid of.

So we do have a manageable but quite a slate of comments. Cherie has kindly put it together in a summary form. I'm going to suggest that we start with the draft operating procedures because those a little bit easier and a little bit lighter. If we could just scroll down in the document, Cherie, or whoever is driving, that would be great.

But first I just want to open it up to see if anyone has any comments, questions, things they'd like to say, of if they're completely confused by where we're jumping off.

Donna?

DONNA AUSTIN: Thanks, Beth. Sorry if I missed this. Could you just explain why we split the documents into operating procedures and bylaws?

BETH BACON: Sure. We talked about this a little bit a few times on the stakeholder group call, but thank you for calling that out for those who may be joining us and are not on our calls. I keep hearing it's our Stakeholder Day. Anyone can be in this room.

The reason that we split it into bylaws and operating procedures is, originally, we had just started updating the bylaws and charter document, and that was too conform with Florida's state laws for corporation. Those are for some very practical reasons with regards to just the structure of the stakeholder group and being able to pay dues and all that sort of fun stuff that we have to do to run our stakeholder group.

As we were going through that, we noted lots of concern with the heftiness of a bylaws document. It was very long and it was very dense. It was much heavier weight than most traditional bylaws documents you would so.

So the suggestion was to pull it out into just only what you need in the bylaws—because the bylaws had to very particular to Florida state law, that made sense—and then pull everything that wasn't a requirement out into operating procedures. This simplifies it. It made it easier to have it conform to Florida laws from the bylaws' perspective.

Also, the operating procedures gives us a lot more flexibility within the stakeholder group to amend that, as our membership changes, our desires change, and our needs change, simply because, under the rules, bylaws have to be approved not only by the vote of the membership but also then approved by the ICANN Board. Operating procedures, however, we can craft and change without that Board-level approval. We can change it with a vote of the membership. So I think it provides us a lot more flexibility.

I'm seeing some comments in the chat. Kurt, it's a good reminder. Cherie and Sue, if we could just drop the Google Docs of the current drafts of the bylaws and charter into the chat so everyone can look at them if they like—I'll ask that people not edit while we're talking—that way, you guys can follow along.

I will pause again for questions and see if anyone has any thoughts.

Okay. Let's jump on in. Let's start with the draft operating procedures. The first was comments on Article 1 with the mission. I think there was a suggestion that this was repetitive. I'm happy to go along and delete repetitive language. Some of these items were moved from the bylaws to the operating procedures. I think that was C, D, E, and F, perhaps.

But we can clarify that. Other than that, I would be happy to accept any removal of this language.

Does anyone have any objections to those concerns? Keep in mind that we'll take notes on this. Then all of the edits will come back to you again. So everyone will have another chance to look at this.

Okay. If I could ask Sue and Cherie to also just maybe take some backup notes on this so we're not relying just on mine as I'm talking and taking notes. Please jump in if you have a question or a comment, something that's really bothering you, or a concern that you had with regards to the documents. Thanks.

We'll move on to the next in Article 2. This concerns Registry Stakeholder Group membership, definitions, and the categories. Susan Payne raised this. It's a very valid concern. We've wrestled a lot with how to define the membership and the categories of membership in line with the requirements for Florida state law. So some of this has been pulled out into the operating procedures to simplify that, but it seems that some of the old definitions did follow.

We've updated the delegate form to make sure that we do not require a voting member to be a chair of the Board or president because that is very impractical. So I would suggest removing this or rewording it. If folks are happy with that, we can work with Susan, who was the original commenter there, or we can just make it conform to the delegate form. Either way.

Any comments or questions there? Susan, if you're on the phone and want to comment, please feel free.

I don't think we have Susan. Ashley, do you want to go ahead.

ASHLEY ROBERTS: Hi. Thanks, Beth. Can you hear me okay?

BETH BACON: Yes. Perfect.

ASHLEY ROBERTS: Great. I think Susan is not on the call at the moment. She's hoping to join a little bit later.

With respect to this point, I think, if we could just defer it to the delegate form, that would be much, much simpler. I think the language as is at the moment is a really big problem, particularly for dot-brands but also for other members as well which are large organizations.

So is the proposal to completely remove this language?

BETH BACON: The comment was not necessarily to remove it. The comment was generally Susan flagging it. I don't know if we want to completely remove it or if we want to amend it. I'm going to leave that to you and Susan to make a suggestion. It sounds like you would prefer to just

take it all the way out and refer to the delegate form. In this section, I do think we need some sort of nod towards registry membership and that we do have a voting member because we'll have to define those things, but we can certainly take out the requirement that the voting member is the chair of the Board, president, or any vice-president.

ASHLEY ROBERTS: Yeah. Sorry for not being clear. That's what I was referring to. I'd be happy to draft something to replace this language.

BETH BACON: Certainly. Okay, that's great. If you want to take that action, I will put that in the note and we can drop it in to the Google Doc as we move forward.

Donna, I see you're in the queue.

DONNA AUSTIN: Thanks, Beth. I thought—maybe we can just put an asterisk besides this because we need to check—we needed to include this language because of the Florida incorporation. So, if we can just mark this as something we need to double-check because I thought this was a requirement that we had to have.

BETH BACON: Donna, since this is the operating procedures, the operating procedures, to my understanding, don't impact the Florida

incorporation at all. So, as long as the language in the bylaws is okay, then we're covered. That's why we amended the form. We can double-check to make sure that we have the correct required language in the bylaws, but I don't know that I have an issue changing it in the operating procedures, so long as it doesn't contradict. We can make it more general or just refer to the delegate form. Then we can just double-check and make sure that's correct. But, because it's the operating procedures, I don't think that impacts the incorporation. But I can flag that to double-check. Thanks very much. Just taking that note down.

Are there any other comments on this section. Can we move on to the next item?

All right, thanks. This is Article 2 again. It's the membership section, but this is Section 4: the classification. This is a question that the working group also flagged internally. It was the concept of three consecutive motions. There were about ten of us on the call, and none of us knew what qualified as a motion for the stakeholder group. I would like to open this to the group to discuss to see how we think this should be read, what the bar should be for participation, what do we mean when it's a motion, and do we need a different word here? I believe this was a comment by Kristine and Ashley, so if you guys wanted to weigh in.

Go ahead, Ashley. Thanks.

ASHLEY ROBERTS: Thanks. This wasn't actually a comment from me, but I did have a related comment—you alluded to it—around what defines a motion because I think “motion” is reference elsewhere in the operating procedures as well. So perhaps if you could clarify what the intention was here and what it was meant to refer to.

BETH BACON: Sure. Your comment is in Article 6, I believe, and it's on voting and defining a motion. I do think whatever we put here we should make sure is consistent with your comment and how we read this in Article 6, which is where you comment on voting and what defines a motion.

Does that clarify? Does that help?

Ken, you were next in the queue. Do you want to go ahead?

KEN STUBBS: Yeah. I think that bar is more than reasonable. Years ago, it used to be two. Also, I think, for all intents and purposes, whether it's a motion or an action, a motion is an action anyway. I think the most important thing is that whoever is responsible for calling the vote—Donna, let's say—needs to specifically state before the vote that this is an action or whatever and effect. Somebody can't come along later and say, “Well, we voted for this (or voted for that). I didn't even know that we were supposed to be there to vote for it. I think the most important thing is giving adequate notice. I think three is a good guideline. We're supposed to encourage participation by the members, and this is one

way of doing it. It's not just a matter of paying your dues but rather participating. Thank you.

BETH BACON: Thanks, Ken. Kristine, you were next.

KRISTINE DORRAIN: Thanks. My suggestion here is just to change the wording a little bit to say “three consecutive votes by the membership.” So, basically, whenever the membership votes three times. It doesn't really matter what it's voting on. So, if you do go ahead to Article 6 in the operating procedures, it kind of says voting is going to be only used in one or more of the following circumstances. Then we try to itemize them out, like, when do we vote? So now you've got this rhetorical circular referencing of it back to itself. Nobody has defined a motion, but if you've defined when you vote—“We vote in these specific instances”—then you can just remove the motion from all of that because it doesn't appear that we're making any motions. We're voting under these specific circumstances with these specific issues.

Does that make sense to people or does that feel like we're just punting?

BETH BACON: Thanks, Kristine. I 100% agree, and I think that's what I was hoping we would move to, which is just changing the language a little bit to something that's already defined. I'm happy to take that down as an

action: make that edit, change it to “votes,” make the conforming changes in Article 6. Ashely says that sounds good. Then we can see if anyone on this call has any objection to that or, if, when it comes around again, anyone is free to make another comment.

Donna?

DONNA AUSTIN:

Thanks, Beth. I have no problem with changing it to votes, but there’s a conversation between Rubens and I about what constitutes “three.” Currently, we vote on the budget and we vote for elections generally at the same time. So does that constitute one vote, or does that constitute two votes? Or, if we’re voting on different positions—we usually have two or three spots for election—is that three votes? So I think we need to clarify that as well.

BETH BACON:

Sure. That’s a great point. If we said, “three consecutive voting items (or items for vote),” would that clarify? Because I think that I see—oh, I see Kristine and Ken are saying, “Good questions. Two votes.” I would think that that’s two votes.

Kristine, do you want to add?

KRISTINE DORRAIN:

Thanks. I’m going to ask us to think about what the purpose of this is. We’re basically saying the member didn’t show up. So, if you don’t show enough times, we’re going to drop you from the rolls of people

who can vote until you show back up again and tell us, “Please count me.” So, if we happen to have one vote—let’s say it’s this June—and we vote on the elections and we vote on the officers and we vote on a consensus policy, because our PDP ... sort of thing because we want to get consensus for some reason. If that qualifies as three votes, then anyone who got sick and didn’t show up that day are automatically dropped. Then they have to basically wave their hands and say, “No, no, no. I want to vote again.” That’s how I understand anyway at this point.

So I think, as a membership, we have to think about, is that the outcome we want? Is that an okay outcome? What does the person have to do? I feel like the barrier is pretty low to entry: show up and tell I want to vote next time. So I don’t know that it matters a ton right here, but this is the type of discussion that we need to have so that we can make sure we document it the way the membership wants that documented.

BETH BACON:

Thanks, Kristine. I think that was well-said. Ken, in the queue?

KEN STUBBS:

You can cover that by making certain that the publication of the agenda for then meeting indicates the projected number of votes that are going to be taken at that meeting. If there’s a significant number of votes, if you’re not going to make the meeting, then you could provide

someone with notice. At least that should go a long way towards credibility there.

BETH BACON:

Thanks, Ken. I think the question here is also—I think Kristine made this point well—if it's to encourage participation, is it an act of being present for the annual vote, even if it has three items on it? Or is it to encourage you to be there? We're going to have five items on a slate. I know we don't usually have that many. But say we have several positions as well as a policy item on a vote. That's three votes right there. So this is a good discussion.

I don't want to spend all of our time on one thing. I want to get through as much of this as we can because I think it's great that we are able to get together and have this full stakeholder group conversation on this. I will go in and propose the edit, and then we can perhaps come back to it or continue this on the list.

Is that acceptable to folks? Because I do want to make sure that we give folks the ability to comment and discuss on a lot of these issues that we have remaining.

Okay, great. Thanks. All right. Well, let's slide on to the next one. I will have that written down. This is a systemic question through the bylaws as well as the operating procedures. Here in Article 3 it talks about the structure of the Registry Stakeholder Group and its secretariat versus the secretary. There's some confusion between, in the bylaws, how it's defined. A secretary is an elected position. And

then the operating procedures and then also a couple places in the bylaws, we refer to the secretariat. I do believe that some of this is a product of lots and lots of edits. Some of it is a product of ripping the operating procedures out of the bylaws document.

The secretariat is defined as Sue and Cherie. It's the operational day-to-day support. The secretary is the term that the Florida bylaws require you to have as a Board equaling ExComm elected position.

So I think that I agree that this very much needs clarification. I'm going to open it up and see if folks would be happy with me taking a note to go through this and clean it up, along with the help of, I hope, Kristine, since she flagged a bunch of these, and open it back up.

Kristine, you want to go ahead

KRISTINE DORRAIN:

Thanks, Beth. As I went through this, I was basically left with a couple of questions and not really any answers. I don't necessarily care how it goes. I understand that the Florida bylaws require something. But, as a group, what do we want? If the secretary must on the Board—the Board must contain a secretary ... Currently, though, the way everything is written is that the secretary must be a voting, active member. That's the way it's currently written. I don't know what the Florida statute says about whether or not the secretary must also be a voting active member. I suspect that probably it's going to say they should. So we just really need to find out what it is we want to have happen. I don't think that this is an unsolvable problem. I think it's

really just a matter of finding out what is a group we want. We need a secretary. They probably need to be a voting member. We need a secretariat: Sue and Cherie. They're doing admirably. If they are not qualified voting members or whatever, then there should be a path where they can be the secretariat. I'm not sure if they'll also be able to be secretary, but I don't know what the law says. So this is where we have to decide what it is we need versus what it is that we want and then just draft it to make it happen because I'm almost wondering if you could roll up ... If you need to have an official secretary, does it have to be a separate position? Could you have a secretary-treasurer and still have a secretariat that's not a Board-member secretary?

So those are some of the questions that I had that didn't actually make it into the doc.

BETH BACON:

Thanks, Kristine. I think that's really helpful. For some of this, you'll hear me say, "I do think." It's because we've picked this up. Erica Varlese did a wonderful—bless her—hard job on this and has taken this 90% of the way. Then we've picked it up to try and finish this up. So when I say I'm pretty sure or I think that this is how it went, it's because I'm trying to remember what the engagement was between and Erica and our council.

So my understanding is that the secretary function doesn't necessarily need to be a separate position but needs to be fulfilled by one of the positions. So I believe, as the vice-chair admin, it would make sense for the vice-chair admin to fill those secretary roles for the Board items

under the bylaw. Then the secretariat would fulfill those operational things that we need done day to day. But I'm really happy to go back and get some clarification there and then, as you say, just write it how we want it to be.

Martin, go ahead.

MARTIN SUTTON:

Hi, Beth. Just to think about the flexibility that can be applied to this, yes, if there is a secretary role as a voting member of the Board that's necessary, which I think it is anyway, the activities performed by the secretary can always be delegated. So any of the officers could actually delegate some of the duties. So that could just be a written annual statement, perhaps by whichever officers' responsibilities are undertaken by the secretariat. So I think there are ways you can still do this quite easily without having to rejig everything under what officer roles need to cover. Those activities in part or in full can be delegated down to other roles, like the secretariat. Thanks.

BETH BACON:

Thanks, Martin. Thank you guys, so much, for engaging on this and having good conversation. I do think that all of that sounds correct. I do believe we are able to do that and still be in line with our Florida law.

So I will go through and I'll take the action to clarify a lot of that, and then we can also clarify that it's not a separate role. It can be performed by one of the elected officers. Then, operationally, we will

understand that those things can be delegated to Sue or something—some of those items. So I really appreciate that.

If everyone is good with that particular outcome—Kristine, I’m seeing that you’re okay, so long as our Florida lawyer agrees (we’ll have to ask her again)—then we can slide on to the next one because hopefully we can at least get through the operating procedures.

This is Article 4: communications and mailing list. I suggest language in the operating document per our working group’s last call so we can review this and amend it as needed, if folks feel that we need more clarifying language here. Mostly this was inspired by the fact that we have a CSC rep currently that is not a voting member but represents our interests because he has excellent expertise and we appreciate that service. It is important that he is able to communicate with the Registry Stakeholder Group and vice-versa. So that was what inspired us to change this a little bit and provide a little bit of flexibility.

Does anybody have any comments, or are you happy with the language or that concept in general being captured?

Okay, great. Silence/assent. Thank you, Ashley. I have your comment noted. Thank you very much.

The next one is in voting: consensus in voting. This is Article 6. Mostly it’s a secretarial edit. We need to conform the numbering and reorder this. As Kristine notes in her edit, it’s very confusing and it’s, again, a lot of the product of ripping a few documents apart. So, Kristine, if

mostly that was a flag for the fact that these are very messy right now, noted. We will fix it.

If anybody has additional comments on that particular item. This is also where we will clarify not necessarily what constitutes a motion but conform that voting language with Section, I believe, 4.

Kristine?

KRISTINE DORRAIN: Beth, this is maybe something I had missed. Did we decide as a group that we were going to keep going forward with weighting voting? Or is that something that we're going to talk about now?

BETH BACON: [You are on] the next one. We're ready to go.

KRISTINE DORRAIN: I'm so sorry.

BETH BACON: No.

KRISTINE DORRAIN: I thought that's where we were. Okay, yes. With references to the article, yes. Okay. I'm sorry. We were on references to the article. Yeah, I'm assuming that we'll clean up later. As far as the operations document, that was very clear throughout that those all needed to be

fixed. I think the problem was that the ones in the charter hadn't be fixed to internal references, not just to the new operations doc. That was the problem. So I think we'll absolutely fix that. Sorry. I'll back off and withdraw my comment then. We'll save that.

BETH BACON: Okay. So we're going to move right into weighted voting, but there were a lot of comments saying we need to clean these things up and I heartily agree.

Ashley, you want to go ahead?

ASHLEY ROBERTS: Yeah. Thanks, Beth. Just in reference to Section 1 of this voting article, where we list the different circumstances where a vote is required, I think we can add in there when we want to change the operating procedures. I think that seems to be missing at the moment.

BETH BACON: Okay, great. That is noted in, I think, one following edit. But, yeah, we have that down as something: to make sure that the operating ... I think that we discussed this on the working group level and agreed that the operating procedures should be changed by a vote of membership and we just need to clarify that.

ASHLEY ROBERTS: Great. Thank you.

BETH BACON: Thank you. Moving on to weighted voting, there's two clarifying requests. Right now, I wanted to open weighted voting to discussion. This was, again, a decision that was made early on in the working group's efforts. I do believe that we made the decision to remove weighted voting at least for some actions, not for all.

But I would like to hear folks' comments on how they feel about weighted voting. Should it be in? Should it be out?

Jonathan, go ahead. Thank you.

JONATHAN ROBINSON: Thanks, Beth. I'm sorry. It's very useful to clarify when it might be removed and when not so people can focus on those specific points if that's easy to clarify: at what point we may or may remove it.

BETH BACON: Sorry. I couldn't find the unmute button. At the moment, the language outlines the items—the instances where it will be used. If you give me one second, I can scroll down the document and find that.

In the meantime, Kristine, you want to go ahead?

KRISTINE DORRAIN: Thanks a lot. This is a position that I've mentioned before, but I wanted to just bring it back to the full group again. I think one of the rationales for weighted voting is the belief that, in many cases, the

decisions may disproportionately impact registries that have a greater number of domains under management. Such things could include, I don't know, maybe things related to pricing or something. That would be maybe astronomically different if you had 10,000 or 100,000 domains under management versus millions or billions of domains under management.

But I wanted to throw out the opposite position, which is that there are many ICANN policies and positions specifically looking ahead to the PDPs and many of the initiatives that are going forward today that actually disproportionately affect small new gTLD operators, where the idea that, simply because you have more domains under management, a different consensus policy will affect you differently. In fact, many of us are smaller and have fewer staff and have fewer policies. So different rules, different regulations, may disproportionately affect a smaller operator.

So it's not that I think that all policies would disproportionately affect our smaller friends, but I think there's just an even chance that we could all be disproportionately affected from any given policy. So I don't think we should, as a registry stakeholder group, make the assumption that only one particular registry operator is likely to be harmed by decisions and by the types of things we put in our responses to public comments and by voting, especially now that we're this far along in the new gTLD process. Thanks.

BETH BACON:

Thank you, Kristine, very much. This is a lot of the discussion we did have early on in the working group. I've now found the spot in the document. Again, it's in Article 6, in voting. This is the new language where it says voting shall only be used in one or more of the following circumstances. So this not only just pulls out when voting will be used at all, but then you have to consider the weighted voting. Right now, in the draft, it's to elect officers of the Registry Stakeholder Group. If an official vote is needed for the purposes of an election, action, or motion—we'll take out motion—reasonable effort has been made to reach consensus on a policy statement or how to direct a GNSO Council representative and there's agreement that it will not be possible to reach consensus, there may be a vote. And I'm paraphrasing those things.

Sam, you are in the queue. Go ahead.

SAM DEMETRIOU:

Thanks, Beth. Since we did discuss this, like you said, at length a while ago, I'll be very brief about this and maybe offer some suggestions to move this forward.

My thinking on the weighted voting is that it's something that we have just in case. So I guess the way I've been thinking about it is we don't necessarily need to remove it because we don't know what kind of situations we might find ourselves in going forward and it's better to have it in case we do need as opposed to not have it in there at all and err on the side of maybe not using it as much. So I think, just

personally, where I sit, I don't necessarily see a whole lot of harm in retaining it.

Onto the suggestion piece, I do know that we, right now, use weighted voting for one council election all the time. One council seat is always elected with weighted voting. We could maybe consider doing away with that because I don't know that it really accomplishes anything and it just becomes a bit of an administrative pain. So it's something the group could consider to remove that headache aspect of it.

The last thing I'm going to suggest is that, if we are split on this idea, if we're not able to reach consensus as a group, then maybe, when we do vote on approving the package of changes here to the charters and bylaws, that could be an individual question that we ask members to vote on individually.

So just some thoughts about how to move forward on this.

BETH BACON: Thanks, Sam. Jonathan, is that a new hand?

It was an old hand. Thank you guys very much. I appreciate the discussion. I certainly don't want to cut it short—

JONATHAN ROBINSON: Sorry, Beth. I was trying to talk and I didn't come off mute.

BETH BACON: So it was a new hand. Okay. Go for it.

JONATHAN ROBINSON: I apologize. I thought I was talking and it didn't come off mute, so I must have pressed it or I think I removed my hand but didn't come off mute. I know you're anxious to move on. I just thought I'd say I heard Kristine and listened carefully to what she said. I think it's interesting. Then Sam followed. My concern is that this potentially quite a big topic, potentially something people might feel strongly about, but, in practice, I don't recall us ... I mean, Sam made a good example, if indeed we do that. It doesn't seem to me like this is something we used very often. For the most part, amazingly, in spite of this group expanding substantially, we operate by consensus, discussion, and non-objection. So it's there and it may not be worth spending too much time on it because, frankly, the group works quite well at the moment. If it ain't broke, don't fix it. That's the thought I have. But I'm open to persuasion. Thanks.

BETH BACON: Thank you, Jonathan. I do want to make sure that we discuss a lot of these edits on the call. This is an important one. Part of the discussion that we had in the working group was, "We don't use it, so what's the harm in keeping it?/ But we don't use it, so why don't we get rid of it?" This was the balance we were trying to strike.

Ken, do you want to go ahead?

KEN STUBBS:

Yeah. I'll take 30 seconds. I've been a member of the constituency for 20 years and, to the best of my knowledge, we only used it one time in a really significant material action. I happen to agree with Jonathan. If it ain't broke, don't fix it. We've been always been able pretty much to work our way through any issue. I don't think it's worth making too much out of it. Thank you.

BETH BACON:

Thanks, Ken. My proposal here is to take some notes—I have notes here for this—and to go into the document and make some proposals, one to capture Sam's suggestion that perhaps we do away with weighted voting for elections, and perhaps just clean up the rest of the document and leave this as maybe one last decision piece. I can capture all of these comments in this discussion in the document?

Is that acceptable to folks? Only because I want to be respectful of everyone's comments on both documents and try and get through as much as we can during the next 15 minutes that we have left.

Okay. I'm not seeing any objection. I see some comments from Donna and Kristine in the chat that I will make sure that we capture in the document so that, if necessary, we can put it on the agenda for the next stakeholder group call. Hopefully this would be one of the final issues to resolve.

Any objections with moving on that path forward?

Okay. I appreciate everybody’s flexibility. Thank you very much. I just want to make sure we have time to discuss quite a bit of these comments.

This is the last comments—amendments—in this document. The working group had previously agreed that a vote of the Registry Stakeholder Group would be required to change the operating procedures. We discussed this previously in reaction to Ashley’s other comment. I don’t think we actually need this language. I think it was repeated from Article 19, currently, in the bylaws, and it’s just cut and paste. So I think clarifying this and removing it is fine with me.

Kristine, do you want to go ahead?

KRISTINE DORRAIN:

Thanks. I do not object to that. Do you mind if I just back up one row second? I know that we did not discuss the other things and you’re going to propose some language. So I just want to make sure because I’m unclear. Are you clear so you can propose language on when we use a supermajority and why and what a partial policy statement is? Because, if you are, then I think we can definitely do some wordsmithing and tweaking. I put the questions in there because there’s the definition for, “Hey, and here’s how you know when you have a supermajority,” except I don’t know if we ever used ... Do we need to know if we have a supermajority? So my question is really related to that. So, if you’re clear, then I’m fine with moving on. But, if you’re not, I was hoping we can get some clarity so that we can actually fix that drafting. Thanks.

BETH BACON: No, Kristine. I just fully missed that one. I am not clear. Thank you. So I'm going to, if I can, but Cherie and Sue on the spot and see if, in there many, many tabulations of votes, have—or if any of our older members—any experience with the supermajorities or if we've used the special registry supermajority ever because, in my few years, we have not. If we don't need it ...

Cherie Stubbs: Beth, can you hear me?

BETH BACON: Yeah. Thanks, Cherie.

Cherie Stubbs: Hi. I reviewed this again yesterday. In the current operating procedures—I'm trying to look at what section—there is a definition of supermajority saying it's for the purpose of GNSO Councilor votes and RySG policy statements.

So, by and large, I think Sue has all the election records now. I passed those over when I moved. Sue and I know we need to talk. We can check and see when we've used a supermajority. But I know it has come into play.

So I think, in my opinion, just going forward, if the membership feels that there may be one or two or three specific cases where a

supermajority vote is needed ... But the way we do business is so different today than when all of this was first built. So I think it's a good question to ask and a decision made going forward.

Does that help at all?

BETH BACON: Thanks, Cherie. What I'm getting from this is that it's extremely rare. We haven't used it very often. If we are using it only for elections and the proposal is we would rethink how we would use this for elections, I believe it's a [inaudible]—

Cherie Stubbs: For instance ...

BETH BACON: Ken, did you want to put your hand up?

Cherie Stubbs: Just very quickly, we used to vote on if our GNSO Council representatives needed to vote on whether they supported or did not support a motion or something going within the council. We no longer do that. So we do it pretty much by consensus and talking [through] and instructing our council reps how to vote.

Anyway, I'll be quite now. Thank you.

BETH BACON: Okay. Thanks, Cherie. If you look at the language as amended—it is amended now—we have votes to direct our GNSO Councilors to vote. That’s only if we can’t get consensus. So, much like the weighted voting, this is perhaps an argument of, do we need it?

Kristine, your hand is up. Is that a new hand?

KRISTINE DORRAIN: Thanks. Yeah, it is. Thank you very much, Cherie, for confirming. We don’t want to do away with something that has use. It’s just unclear from this document what it’s exactly used for. The only thing I can think of is this Table G that’s still in this voting section, where we say how our Registry Stakeholder Group GNSO Councilors will vote. If we’re not using it for that, then, as far as I can tell from the written documents, we have no further use for it. So, if people do have additional uses then, we probably need to make sure we capture those. Again, it’s like some of the other questions we had. If there’s a use for it, great. Let’s just get it codified and let’s say what it’s for.

BETH BACON: Kristine, that’s great. I really appreciate that. I’m going to take the action here to dig into that more. I will propose some language, whether it’s taking it out or clarifying what it is and how it would be used. I will take the action to propose that and then folks can review, if that’s all right with folks.

Awesome. Great. So we are finished with the operating procedures, I believe. We have nine full minutes to dig into the bylaws. I do want

say that a lot of the bylaws questions, if we could just scroll up in the summary document to the bylaws comments, are conforming and making sure that they are consistent. So take some of the formatting and things with a grain of salt. We will conform the references between operating procedures and bylaws. We'll make sure we don't repeat. So some of them folks have flagged, and I really appreciate it because more sets of eyes on this type of thing is always better.

Does anyone have an overall comments with regards to the bylaws and charter before we dig into the specific comments? We'll do as many as we can and then I will take actions to work with the working group to address the ones that we aren't able to discuss.

Excellent. The first comment—I'm going to ... oops. I apologize, guys. I need to switch documents so that I'm looking at the thing I'm talking about. It's always helpful. So starting here is the review of the definition for the Registry Stakeholder Group—defining what it is. This is starting with ... There's a few references of this in Article 2, and then it's also in Section 2. I would suggest that we could discuss this and see if we can recommend some language for redline.

Did folks who commented see specifically something missing, just the fact that it doesn't reflect our current Registry Stakeholder Group direction and mission, or just our makeup?

Kristine?

KRISTINE DORRAIN: I flagged it. This is what I think happened. I think the original document called us the Registry Group throughout the entire document. I think ultimately, over time and edits, we've just changed it to say the RySG. So literally in Article 2 it's the only place that I can find that we use the word "Registries Group." It's just a dumb ... I think we should just change it. It's a wording issue and it's just sloppy drafting. That's all it is.

BETH BACON: Okay. Fantastic. I was concerned, with where your comment was located, that you were concerned that the examples didn't capture our current structure. So, if it's simply just us being conforming, that's easy and wonderful. So we will do that.

KRISTINE DORRAIN: Yes.

BETH BACON: Okay, great. Wonderful. Let's make them all this easy. The next comment I think is a simple redraft. It's in regards to Article 4 registry membership, Category 1. We can simply that language and clarify between what is voting and non-voting. Quite frankly, it's just a real mess of a sentence.

Kristine, your hand is up?

KRISTINE DORRAIN: Yeah. 100%. I just wanted to add that I think we should revisit that after we fix the voting section in the operating procedures so that, with whatever we language in the operating procedures, we make sure that that language dovetails with what’s in the charter. That’s it. It’s just a cleanup as well.

BETH BACON: Absolutely. Agreed. I will make the note. The next one is in Article 5: Board of Directors. The comment is that this language in this section needs to be more specific as is relates to the definition of business and the affairs of the registry.

I would suggest that we clarify here what the Board’s business is, which would be that the Board may not unilaterally vote to change the bylaws or operating procedures. I think that’s an easier clarification. I think some of the concern here is that this is widening the scope of the ExComm because the ExComm equals the Board, for folks that are not up to speed on that. And make this just mere what we actually do as opposed to just this [form] language.

Kristine?

KRISTINE DORRAIN: I think this is just another cleanup issue. Ashley can correct me if he disagrees, but the language basically says, “By majority vote of the directors then in office, the Board may adopt such rules and regulations for the conduct of its business”—I think this is the tricky part—“and the business and affairs of RySG as the Board deems

advisable, subject to any limitations,” blah, blah, blah. I think you could read that to basically mean the Board has just broad and emperor-like powers and they get to make all sorts of rules and regulations that apply to everybody without the formal process of amending the operating procedures or the bylaws.

I think we really just want to say that the Board needs to make whatever rules and processes it wants to make to do its own Boardly business. So, if we want to say you have to put an agenda by Tuesday, you have to put up an agenda by Tuesday. I think it’s just a matter of tightening the language, not really changing anything, just because I think it could be misinterpreted.

BETH BACON:

Yeah, absolutely. I 100% agree with that. As much as I would like some sweet, sweet emperor/king-like powers, I will not that to anyone. So I think that we can really easily clarify that because that’s not what we do and that’s not what, I think, the ExComms want to do. So I will—thank you, Kristine. I will do my best. Our next election will be for King of the Registry Stakeholder Group, as opposed to Chair.

We have many four or five minutes left. So I would say let’s just close out this particular section of comments if we can and then I will take the action to move along, just as we talked about. No one objected to me taking some cleanup actions. We’ll come back to the next biweekly meeting with much cleaner documents and suggestions.

For Section 3, I'm fine also with tightening up the change to what the Board can make. This is adding a qualification for the Board members ... would amount to the Board changing the bylaws because the Board qualifications are outlined in the bylaws. We don't want to do that. That was very circular folks. So I think this is another section in Section 3 [on the qualification of directors] where this again just needs some cleanup.

If folks disagree, please just put your hands up and I will stop powering through.

Kristine agrees. Section 4—it's 4A specifically, for folks following along—is the composition of the Board. It's clarifying that the Board equals ExComm and what comprises the ExComm. Again, we can clarify here that the secretary can is not an additional role or an additional elected position. It's a position that one of the elected officers takes. More cleanup on that one as well, but I think it's important to note that we will clarify that in the bylaws because they were comments made and they were good ones in the operating procedures.

Finally, the last two here. It's literally just cleanup and conforming with things as we change article numbers and get those in order.

I don't want to delve too far into the rest of these. We have about six more comments in the bylaws. It's not too many. A lot of them are cleanup. Those that require discussion ... We will clean up the document and take all of the comments and make sure that those are flagged as items we need to resolve and revisit it on the bylaws call.

Is there anything that anyone wants to flag for this larger group, as we have everyone? We don't always have this many people on our biweekly calls. So is there anything with regards to this that anyone would like to flag before we move onto our next topic?

All right. I want to thank everyone. First I want to thank Erica for all of her work with Florida counsel getting us to this position because it's lot better than it used to be and she put a lot of time and work into this. And Cherie and Sue. All of your support really helped that. And Kristine and Ashley and Susan and Karen, who have done a lot of work on this and put really great comments. I appreciate the extra sets of eyes. So this has been a really good process. Lots of engagement. We will continue to get this over the finish line and hopefully have it ready for a vote soon. Thank you.

DONNA AUSTIN:

Thanks, Beth. And thank you to Beth for picking up where Erica had to leave off. This has been a bit of a challenging exercise for us, and I think we're in the homestretch now, which is terrific.

Maybe in terms of our next steps, I think we have the next registry call on the 24th. Sue, correct me if I'm wrong, but I think it's about two weeks away. Beth, if you think it would be helpful to just set up a call in the intervening week to go through the final changes with people that are interested, we could certainly do that before bringing it to the next registry call.

The aim of this is we generally have an election in June [to] replace GNSO Councilors if we have open positions and also some officer positions. We generally vote on that budget during that time as well. So the intent here is that we would vote on these changes to the bylaw charter and operating procedures at that time. So we do need to be in a position where everybody is comfortable with the documents by whatever date we have that election process in June. So what is it? March? April? So we've only got a few months. So whatever it takes to get us to that point, we'll make sure we do it.

I think we've had some really good discussion here today. There's been some good engagement. So I think it seems to me that we have some momentum now to finish this off and get it down. So thanks, Beth and Cherie, for continuing on the path and getting us to the finish line.

Cherie, I see your hand is up.

Cherie Stubbs:

Hi, Donna. Thank you. I just wanted to put a footnote in about the final bylaws: one the membership approves a final draft, it then has to go into ICANN legal for review and comments. It may then come back to use for revisiting any concerns they have. Then it has to go out for a public comment period, which is 90 days. Ultimately, after all the comments or whatever are assimilated, it ultimately will go to the ICANN Board, and this will typically be a six, potentially-nine-month process.

DONNA AUSTIN: Thanks, Cherie. It's a really good reminder that, just because we vote on it, it doesn't mean that's the end of the process. In theory, I guess that means we can't reference our new bylaw and charter until such time that the Board has approved it. So maybe that's another conversation we need to have as to understanding that there's going to be a delay of twelve months, potentially. We need to be clear about which version of our documents we're abiding by at any given time. I know that's been a little bit of a challenge for the ExComm, at times, to understand—what's the current version of our bylaw and charter. So thank for that reminder, Cherie.

Cherie Stubbs: You're welcome. Again, it's another affirmation about why we developed the two documents: the operating procedures is a different animal that is within the members purview to amend and review. It becomes much more dynamic.

At any rate, just thought I'd [inaudible].

DONNA AUSTIN: Thank you, Cherie. It's a good reminder.

DONNA AUSTIN: Thanks.

DONNA AUSTIN:

We're going to move on to the next topic, but I also want to flag that, at the end of our discussion on DNS abuse, we'll take a five-minute break. I understand three hours is a little bit of a long time for people to be sitting, doing whatever they have to be doing. So we'll take a short five-minute break at the end of our DNS abuse discussion.

Next slide, please, Sue. Okay, great. Obviously, DNS abuse is something that we've been discussing as a stakeholder group for some time. I think, since my tenure as Chair, it was something that became front and center because of the compliance of the audit of the registry operators that was going to be done by Compliance. That was started in November of last year. So we had some concerns about some of the questions that Compliance was asking us, and we had some back-and-forth.

DNS abuse is also front-and-center for a number of other communities and groups within ICANN. Certainly, listening to the ALAC session yesterday on DNS abuse—I know that there were a few others on that session as well, and certainly they're making it a priority for them in 2020—we've seen the CCT review recommendations have a number of suggestions as it relate to DNS abuse, and we also understand that the Security/Stability Review Team have a number of recommendations relating to DNS abuse as well.

So it's front-and-center. It's very topical. We think, collectively as registry operators, understand that it is important. We certainly share that concern with the community.

What we've discussed internally as a result mostly of the discussions that we had in Montreal is that we need to become better at sharing with the community things that we actually do to mitigate and respond to DNS abuse and also explain elements of our operators because we recognize that—it's certainly evident within the Registry Stakeholder Group now, thanks to the New gTLD Program—there is a diversity of membership in that our registry operators have different ways of doing business. We have the Brand Registry Group that is represented in the Registry Stakeholder Group, as is the Geo-TLD Group. So we have different categories of TLDs now, and they all operate differently to what the traditional maybe registry operator used to prior to 2012. So we recognize that there's diversity. So DNS abuse is going to mean different things for different registry operators. There will be different ways in which they respond to DNS abuse or even some of their acceptable use policies. There's going to be variance in those, too.

So what I'm hoping to get out of the discussion today is a little bit more of that information about that information about what it is we do as registry operators to respond to DNS abuse and also practices or policies that we've put in place to prevent or mitigate abuse.

We identified three questions on the registry list. I'm hoping that we can have some discussion around those over the next 60 minutes or so. I don't know if anyone has some thoughts about how they want to work through this, but I guess, in my mind, the simplest way will be let's kick it off with the first question that we have on the slide and see

what responses we get back or what discussion, and then we'll progressively move through the other two.

Does that seem like a reasonable way to go, folks?

I'll assume that everybody thinks it's a great idea. Our first question is, how does DNS abuse affect your registry and business operations? I'd like to open it up to the floor to anybody who wants to provide some insights as to what resonate with them in terms of the impact or effect of DNS abuse on your registry.

Jeremy, you might have to take yourself off mute.

JEREMY EBBELS: I'm off mute. I was putting my hand politely, Donna, to wait until I was asked.

DONNA AUSTIN: Okay. You are free to speak. Thanks, Jeremy.

JEREMY EBBELS: Hi, all. This is Jeremy Ebbels from Neustar. For those of you who don't know me, I look after the products and operations teams for the Neustar registry.

To answer Donna's first question and share some information, Neustar typically went relatively went on this front. It's interesting that Donna mentioned that DNS abuse came to the fore when the ICANN

Compliance team started doing audits on this topic. Neustar has been active in this space for quite some time.

To answer Donna’s first question and how it affects the registry, I’ll speak specifically to .biz. I can’t speak to other clients that use our systems, but I will speak and answer questions specifically as if I was answering for .biz. One of the things that DNS abuse does to our TLD is it hurts our reputation. If .biz starts to get high levels of abuse ... Now, abuse is a fairly broad term. It can have anything to do with phishing to malware, botnets, spam, CSAM, and a bunch of other broad topics. If any of those start to appear in our TLD, then we have found that that hurts sales because the reputational aspect of our business starts to take a hit.

Other parts of the business that get affected by DNS abuse operationally ... If .biz appears on the Spamhaus list, for example, then clients of Spamhaus might start blocking the TLD on e-mails and networks, etc., which, again, comes back and hurts sales.

But, on the flip side of that, the teams that we have engaged and the resources that we have engaged to address abuse has increased significantly over time. I don’t think anyone anticipated the need or the resources that would be required at the time of the new gTLD launch, so we had to ramp up our teams.

In terms of the detection, investigation, and then actioning any forms of abuse, that has significantly increased the costs to provide services for our TLDs. And that’s not even mentioning the folks that are on the

call today for the policy side of the business to continually discuss and finds way forward to address these threats as well.

I'll probably leave it there to answer that first question, Donna, unless there's any questions.

DONNA AUSTIN:

It's great, Jeremy.

.biz is an open TLD. I'm just wondering, from some of our other members from our brand group or maybe geos, what's the impact of DNS abuse on your registry? Does it matter whether it's an open TLD or even .bank or .pharmacy? Because you have restrictions in your registration policies, what's the effect of DNS abuse on your registry and operations?

Martin, go ahead.

MARTIN SUTTON:

Hi, Donna. Martin Sutton here for the Brand Registry Group. I can speak generally, but, if any others on the list that are operating the .brand want to jump in afterwards, that would be good, too. I think, generally speaking, because of the control that's [applied] to the registration policy and that it's limited to the organization, its affiliates, or trademark licensees, there's an awful lot of control as to the frontend registration domain names. So the likelihood of any abusive registrations is more or less wiped out.

Having said that, that doesn't mean that they have to ignore all of the Compliance requirements. So there is an overhead that still requires them to manage the obligations under the RA and monitor and report these activities, even if it's just a [nil] report each period. So I think we can safely assume that in terms of the registration of domain names.

Where it gets a little bit harder is use of those domains afterwards as usage continues to grow and if they're hosting websites. There are always going to be vulnerabilities on the end points that they will have to manage and conduct updates and patching as required to prevent any impact on the applications that are then supported on those domains. That's slightly different. That would be typically something that happens on whatever domain they're using to provide the services out to their customers.

I hope that gives a flavor of the brands' angle. As I said, if there's anybody else that's got something to add, that'd be really helpful, too.

DONNA AUSTIN:

Thanks, Martin. Kristine?

We can't hear you if you're speaking, Kristine.

KRISTINE DORRAIN:

Okay. Awesome. Thank you. I was just asking if you could hear me. I switched devices for a minute. So much fun with technology. I forget the *65.

I would speak from the dot-brands' perspective, in addition to what Martin has to say. One of the things that has become readily apparent as .amazon has, for instance, 11 dot-brand TLDs and really trying to get those businesses to adopt them and use them is I think that security and consumer trust have been at the top of the list of things we promote. So, when we go to the different business and we say, "Hey, you can teach customers that, if you go to dot-brand, you can be assured that there's not going to be any phishing or anything bad or any malware because every domain name from that TLD is an Amazon TLD." That is one of the things. Of course, the businesses find that interesting. It's still hard to get them to adopt.

But I think that definitely DNS abuse is starting to play a bigger role, where two years we did not highlight—or even three years ago—that among the top list of reasons why our internal teams should use our .brands. But now it's pretty high up at the top of the list. So I think it definitely has impacted the way we advise our business and the way we think about our dot-brand.

DONNA AUSTIN:

Thanks, Kristine. Jim?

JIM GALVIN:

Thanks, Donna. Jim Galvin for the record, from Afilias. In terms of how it affects us operationally, I think I'll just [riff] off of something Jeremy said, which is that abuse services really is a cost center. I think, in our experience across our TLDs, I would say that—not just ours but even

the TLDs that we host—the problems are not really registration of use problems. When Martin was suggesting that he didn't really see too many issues in that respect, I think that's an important point. Even with us with mostly open TLDs, the abuse issues that are most prominent are those that really are outside of our direct ecosystem control. So there might something going on at the registrar. There might be something going on on the website—some kind of content-related issue or a phishing activity of some sort. So the idea that you have to look for these things and conduct these services is really just a cost center. It's important to know that.

I think I'll agree with everyone who's commenting that, in general, if you have any—well, amount of abuse, I'll say—any volume of abuse such that you're listed on any kind of reputation provider, that affects your TLD. Even we see that. Maybe it's not so much a direct effect on registration. Sometimes it's just an effect that, when you have reputation providers, the rest of the Internet uses them. So you find that you can be blocked for a variety of different reasons. Then access to services that your domains might have in your TLD are directly affected. So that results in all kinds of escalations through a registrar and on up when you have those kinds of problems.

So it's a cost center and it has a brand effect. Both of the problems are not really directly under our control. I think that's an important point in all of this DNS discussion overall. Thanks so much.

DONNA AUSTIN:

Thanks, Jim. I notice that there's a fair amount of discussion going on in chat. I wonder if any of you folks would be willing to contribute verbally rather than me reading through the chat. It seems everyone is a bit shy today.

Thanks, everybody, for the insight into the effect of the DNS abuse on your business. It does seem that, obviously, to Jeremy's point, it probably wasn't something that applicants thought about when they applied for a new gTLD because DNS abuse probably wasn't as prominent as issue as what it is now, certainly within the ICANN community.

So, in responding to that, there are associated costs. As Jim says, some of these things are beyond the controller of the registry operators. So it can be difficult to deal with. I noticed that Craig mentioned in chat [that] Craig works for .bank and .insurance. Obviously, one of the important things associated with .bank and .insurance is the restrictive registration policies and also the element that they are secure TLDs. So obviously, if anything was to go untoward in that regard, then there would be reputational issues for those TLDs in particular.

So, obviously, it does have an effect on the registry, and that's why it's important for registry operators. So it's not something that we are willing to just let slide because there's an impact cost to our businesses and reputation.

Moving to the next question, what processes or procedures does your registry have in place to mitigate or respond to DNS security threats?

This goes somewhat to Spec 11-3B. We know that there's an obligation within the registry agreement to monitor and provide reports about DNS abuse, but I wanted this part of the discussion to go just that little bit further and talk about what it is that registry operators do once they have identified that there is abuse in their TLD.

Jeremy, go ahead, please.

JEREMY EBBELS:

Thanks, Donna. I'll put my hand down now that you've spoken to me. I'll speak high level in light of trying to share information, I guess. The way that Neustar helps our clients meet contractual compliance is slightly different than what we do specifically for some TLDs. From a contractual compliance perspective, we have a proprietary system called the RTMS platform, which takes in both internal and external feeds. I'm sure there other folks have something similar with the feeds that we produce and ingest. They detect possible abuse and then, from that list, we have an investigation team internally that will go and investigate each of those alerts. Then, depending on what the investigation determines, action is taken. Now, action depends on what the type of abuse is in our system. We'll create a flow of communications and tickets to allow us to communicate with registrars.

Generally, in all these cases, as Jim Galvin was mentioning before, a lot of the problems are not necessarily at the registry level. So, given that the registry needs to communicate with registrars to take action,

that’s normally our first point of call. So that’s one way that we deal with abuse.

We also have a couple of trusted notifier programs. I think those have been mentioned. I know that a lot of discussion was had about this in Montreal, but I’ll give an example of one our trusted notifier programs. We work really closely with the IWF, Internet Watch Foundation (I think that’s the “F), and we’ve been working with them quite some time to proactively identify CSAM in our TLDs. We work really closely with the group that work out of London. They’re an excellent group. I recommend them. If you haven’t engaged with them, they’re actually really fantastic. They notify us of potential instances of CSAM in our TLDs, and then we will then use that information to contact registrars and take action as appropriate.

Now, in the U.S., we also work with NCMEC and provide information backwards and forwards with them. I’m sorry. I can’t remember what that acronym stands for. The National Center for Missing and Exploited Children is my best guess.

Depending on what the abuse, we take a number of different actions. I know Brian Cimboric from PIR has spoken previously about the nuclear action, which is basically to just delete a domain. We may suspend a domain and remove it from [DMS], or we could transfer it to a specific registrar. In some cases, we work with the [Stitching] Registrar of Last Resort.

Really, it also comes down to the situation and the applicable policy of the TLD. So there’s a broad range of policies and so forth across a

number of TLDs. So it's very policy-dependent. At the high level, that's exactly what we do.

I'm not sure I can go into much more detail on that, unless there's any questions.

DONNA AUSTIN: That's great, Jeremy. Brian, go ahead.

If you're talking, we can't hear you, Brian.

BRIAN: Can you guys hear me?

DONNA AUSTIN: I can now.

BRIAN: Sorry about that. I was using the wrong mic.

DONNA AUSTIN: No problem.

BRIAN: It's largely similar to what Jeremy just described, which I think is great, by the way, Jeremy. Buy my intervention is more of a procedural one than to the substance of the question. When we're talking about this—in particular when we're talking about it in front of

the Board or the GAC—I think it’s important that we segregate what we as registries do in DNS abuse and then specifically pivot to issues of website content. What Jeremy just described was all excellent, but, the second we start talking about trusted notifiers, I think we need to make that clear delineation that that’s separate from how we as registries deal with DNS abuse. We have contractual responsibilities to deal with DNS abuse. Then, whatever a registry operators chooses to do on top of that with trusted notifiers or other entities is related to website content abuse. Just to try and keep that bright line around what’s DNS abuse and what is more appropriately addressed at ICANN versus what we’re doing as essentially good citizenship or clean stewards of our DNS in website content abuse. So, at least for me, that’s an important delineation.

DONNA AUSTIN:

Thanks, Brian. I agree it is an important delineation and one that you had held the line steadily on for the rest of the registry operators in conversations that we’ve been having with the community.

One of the challenges that I think we all have is, what do we mean by DNS abuse? I think Jeremy said there are different forms of that. So I guess one of the challenges in having this discussion is the want to be able to provide information to the community about things that we are doing but also helping the community understand that there are certain things that we are required to do within the registry agreement, and there are things that registry operators choose to do

beyond that, depending on the circumstances of the philosophy of the TLD itself.

Jeremy and Brian, I suspect you want to respond to one another. Jim, do you mind if I just put you on hold for a second and see if Jeremy and Brian want to follow up?

JEREMY EBBELS:

I'll take that as a yes, Jim. Just to respond to Brian—that's actually a really good point—there are the contractual requirements that we meet as a Neustar operator. That goes back to the RTMS platform that I mentioned previously, which specifically deals with Spec 11-3B and the contractual requirements that we have to follow to meet that.

Then, on top of that, as a good citizen, as you mentioned, Brian, we do a number of other things in the space of abuse. Now, they're not necessarily contractually obligated, but we do those because—as we were mentioning before, and a number of other people mentioned—there are effects to the reputation and the brand of a TLD is there is a lot of—I'm using air quotes that you can't see—abuse in your TLD.

So abuse is a very broad term. I think one of my colleagues, Quoc Pham in Montreal, was mentioning that having a tight definition of what abuse is would actually help a lot because we as Neustar go well and above/beyond contractual compliance. We do that on a number of fronts. Specifically for biz, we have obviously the IWF work. We do a lot of work in the space of spam. And we have internal programs

continuously looking for forms of abuse. So they're on top of everything that is required from a contractual compliance perspective.

So I probably wasn't clear enough, Brian. Thank you for raising that. So there are a number of things as a good citizen that a TLD may wish to do. As Neustar, we do a [hell of a lot of that.] Thank you.

DONNA AUSTIN: Thanks, Jeremy. Brian?

BRIAN: Thanks so much, both Donna and Jeremy. Donna, actually I was going to try and respond to you. Really what I'm trying to point out is that almost there's a fallacy that there's all these various definitions of DNS abuse. That's technically true, but I do think that there are better, more rationally-based definitions of DNS abuse that we actually understand and that I think those really putting their feet forward in good faith understand what we mean when we talk about DNS abuse. We are talking about phishing, pharming, malware, botnets, and things like that—things that the DNS abuse framework, which I know is not a stakeholder document but many of us have signed onto, that many responsible registries and registrars signed their name to that definition. I just don't want to have some sort of false binary that, just because there's different definitions of DNS abuse, we somehow then say, "Well, we don't really know what it is." I think we all on this call really do know what it is and think that we should try and lead with a definition rather than shrug and say, "Well, we're not quite sure what

everyone means by DNS abuse.” I think, for the most part, a lot of us do.

DONNA AUSTIN:

Thanks, Brian. It’s a fair and valid and well-made point. Sorry if I’ve mislead at all.

Jim, go ahead.

JIM GALVIN:

Thanks, Donna. In response to the question “What processes or procedures do you have?” after listening to some of this discussion, maybe I’m rethinking my response a little bit here. I think it’s fair to remind us that there is a baseline, as Brian said. We have a sense of what it is we’re obligated to do, and we each do that baseline. Or maybe it’s more fair or correct to say that most of us do that baseline.

But there are some of us who have a much more aggressive and a much more complete opportunity to execute on processes and procedures. As Jeremy was saying, a lot of what happens involved third parties. We have a fairly aggressive feed [inaudible] we take in. We do our own system of analysis of those feeds, including a trusted-notifier-like program, which includes IWF and some others. We add some of our own analysis and our own database in which we keep historical record of abusive activities so that we can leverage that as part of our analysis. We work with registrars specifically because, as Brian said, you really do have to draw a line between the activities that really are our responsibility and everything else. Frankly, there’s a very

limited set of things that are registries' responsibility. A lot of what we execute is the analysis part. That's the responsibility that we take on. Then we provide advice of varying degrees to our registry operator customers.

For ourselves, we tend to take a fairly aggressive posture, but, as a service provider—I'm sure there are others here that are service providers—you offer options to your registry operators. Some want to be more aggressive. Some want to be less. They have their own business reasons for what they do. We offer a broad spectrum of those opportunities. We depend on the registrars to do their part. CSAM is always the canonical example of the one content thing that we generally all act on without any further interactions. Beyond that, there's an analysis part that goes in. Just as described in the DNS framework—and, as Brian said—that's not really an ICANN document or a Registry Stakeholder document. But we've signed up to that, as many others. We honor those divisions of possible choices and activities and we act on them accordingly. We have our own policy for terms of use that we apply to our own TLDs. Then of course our individual registry operator customers that we serve have their own ideas. We do our part to respect their choices and help them to execute in the way in which they want to to protect themselves.

I think that we all do some kind of [vision] of that. It's really just a question of how far you go down that path. We have a fairly complete security, as do some others. But not everyone does. So you take feeds in, you do some analysis, and you act on what you see, which typically involves a third party like the registrar to really take the action.

I think that's it. Thanks.

DONNA AUSTIN:

Thanks, Jim. I think what you and Jeremy have outlined is the discussion that I wanted to get to. We have this perception in the community that we're not doing anything because we're not on the front foot in saying, "Well, these are our processes, and this is how we deal with DNS abuse." DNS abuse, in the way that we have defined it ... Because I think what was in the framework is not different from what we had in the letter that we provided to the community leading into Montreal. So we do have that as a Registry Stakeholder Group as well.

But I think the real challenge for us is, how do we get this information to the community about what it is we do? One of the things that struck me with the SSR-2 public report that has come out is that they're basing their information on comments that Jamie Hedlund might have made two years ago, but they haven't taken into account that all of the registry operators were audited in relation to Spec 11 3-B. I think it's pretty clear in that report that DNS abuse is a problem [from] [inaudible] [active] within a small number of registries.

So what we've been saying here is that we are the good citizens, and we've heard that from Goran in conversations we've had with him. We're not worried about U.S. registry operators because you're all doing the right thing. It's just a small element that we need to deal with.

But, unfortunately, we have other parts of the community seem to be inflating the badness. So the work that the DAAR discussion group that we have operating within the Registry Stakeholder Group is actually a really good initiative because the intent or purpose of that group is to try to bring the DAAR data into a more useful and understandable set of statistics and data so that people are better informed.

But, unfortunately, I think there's an inflation of the problems. Nobody has actually been able to quantify that, and we're left on the back foot because we say that we do certain things as it relates to DNS abuse and we don't go beyond that. But I think we do. That's the message that I'm trying to help the registry operators get to the rest of the community because it's an important story for us to tell.

Sorry if I'm rambling on a little bit here. Jim, I'll go to you. Following on from Jim, there's been a lot of chatter from a number of people in the chat. I'd really, really appreciate it if you could make your points as part of this verbal discussion and not just in the chat. I think that'd be really helpful. Jim, go ahead.

JIM GALVIN:

Thanks, Donna. I want to tease apart a very specific framing of this discussion in what you said. My goal is that this helps, but I guess we'll see how people feel about it.

I always come at this from the point of view that the presence of abuse is a foregone conclusion. I think that's really an important part of messaging, from my point of view. We don't control the malefactors.

We don't. And there's all kinds of abuse out there that people like to broadly assume is under the control of registries and registrars— basically, this registration ecosystem. The part of this that [inaudible] with respect to DAAR and even our own discussions is [inaudible] careful about ... The messaging is, "Yes, we are the good guys," but we also have to recognize that zero is not the right goal here for abuse. I think that's an important part of messaging that gets lost. It's essential that we take note of that and we begin to recognize that and maybe change our messaging in a way that [inaudible].

Since you mentioned the DAAR Working Group, a really important point for me personally in that group is that, for registries, in general, to get credit for the fact that we actually do take action, it's not that we're trying to eliminate abuse because we can't. We're not the only party in the system and we just don't control malefactors. But, in some way, DAAR needs to characterize the fact that we actually do do things. Sometimes we're going to hit a spike because that's just what happens. It's unfortunate, but, for whatever reason, a malefactor is going to slip under the radar and do something. All we can do is our best to [inaudible] with it.

I think that's the thing that bothers me—this assumption that zero is the right goal and that there is no credit being given for the fact that we do do things. That's what I'm trying to [find] to be present on DAAR in our discussions and working towards that particular goal. Thank you.

DONNA AUSTIN: Thanks, Jim. I think it's a really important point. Zero is unattainable, so what's really [sought]? How can we ... I don't know. How can we educate the community to help us out in this regard.

Jeff, go ahead.

JEFF NEUMAN: Thanks, Donna. I'll just introduce what I put into the chat. It's tangentially related. The SubPro PDP Working Group got beat up today by GAC members for not fully addressing in their minds the CCT Review Team recommendations on DNS abuse.

Just for background, the SubPro PDP Working Group is basically taking a position that, because it only applies to future TLDs and not all the 1,300+ legacy TLDs, coupled with all the efforts that are underway already—the framework, all the stuff we're voluntary doing, all the other community-wide efforts on this subject—this is not an issue that should be tackled by SubPro because it only is future-looking towards future TLDs and doesn't apply to everyone. To the extent that there's any work to be done on this, it needs to be done on a community-wide basis that applies to all TLDs, not just new ones.

So that was not appreciated by the GAC members, who basically accused us of ignoring GAC advice. Jonathan Zuck, I guess, probably shouldn't have stated this outright, but just on the GAC-Board meeting now, he said, "Yes, but this is the only leverage have to force the community to adopt DNS abuse mitigation techniques." So they know that they're basically trying to hold up new TLDs as a leverage point to

force registries and registrars into doing certain DNS abuse mitigation practices. I think that's not the best way of handling the situation.

DONNA AUSTIN:

Thanks, Jeff. You weren't on the beginning of the call, but I was going to ask you to provide an update on that discussion in our policy update. So we might have a little bit more discussion about that in about 15 minutes' time.

Kurt and then Brian.

KURT PRTIZ:

Thanks, Donna. I'm trying to figure out how to segue from Jeff's comment to mine. Maybe it's about the comment, I think, that was made earlier by Jim that this DNS abuse work is generally specified as being a cost center. But it really isn't, right? Every company identifies the costs and the benefits accruing from it. We all undertake DNS abuse because we either think that it's going to improve our company image, increase sales, or avoid something more painful later. So, to the GAC and those that are citing recommendations of others that don't have any cost-benefit analysis, I think maybe the answer is we're happy to talk about those things but it seems like the benefit isn't associated with the cost.

I work for .art, which is small registry, and I'm concerned about the GAC or even examples that we cite in what we're doing being cherry-picked by others in the community to make requirements for us

all that, while there's benefits to some, there might just be costs for others.

So I think that we need to emphasize that there has to be accommodation of different models that market forces and other things will drive registries—are driving registries—to take actions without codification but that will naturally happen.

I can think of two examples. One is of where codification could hurt or maybe is impossible. One is the example of really low-priced domain names that somebody brought up in the chat. We found that selling names for a dollar or less really isn't helpful because there's a low renewal rate. So actually we lose money on them. The low renewal rate also harms our registration. For many registries, renewal rate is a very important part of reputation. But we found out that we can sell one-dollar names if someone registrars run promotions that bundle the name with a website builder. People who buy website builders usually renew their names. So then we have an ongoing stream of revenue. So just codifying one-dollar names or four-dollar names [that] are priced too low doesn't necessarily have the right effect on our business model.

Another example that is important to .art is that we, more than others, might be tuned into property rights interests because artists have interests in their property rights. For example, we reserve museum names or famous artist names or gallery names and often price them at premium prices, which might seem to be taking advantage of the situation. But, in reality, when a museum comes to .art and says, "We

want our name,” we say, “You know what? If you use it, we’ll give it to you for free. If you don’t want to use it, we’re not going to sell it to anybody else anyway. We’re just going to leave it on reserve because that would just be bad for us.” How to do you codify the judgement that goes into that, even with single registry, let alone them all?

So I think that, if you take the examples of the registries across the board, we can weave this nice tapestry of how individual registries are accommodating their markets, whether it’s a niche or a wide-open registry, and say a lot of this stuff is already being done. Thank you.

DONNA AUSTIN:

Thanks, Kurt. There’s some really useful examples in there about the difference between the registry operators and our business models and that we are targeting different markets and how we protect that market or ensure that the TLD stays true to that market.

I think you’re right. I think we could do some work to pull out, as you say, the tapestry of the TLD landscape now and why ... This goes maybe back to the first question but also to the third question. We all have different practices, policies, and tools that we’ve developed to protect our niche TLD or be a good citizen or whatever else we happen to do be doing. So I think some of it is incumbent on us to try to get that message out there to play whack-a-mole with some of the other community groups that we have out there. So thanks for that.

Brian and then Maxim.

BRIAN:

Thanks, Donna. I have an anecdote. I'm not sure how helpful it is, which means, in typically ICANN fashion, I'm definitely going to share it.

What I've found is that we've started tracking and publishing the raw numbers of our abuse suspensions across all categories—not just technical or DNS abuse but also the categories of website content abuse that we will act upon, like child sexual abuse materials.

But, when talking about DNS abuse, I've found, in discussions with governments and with others—people that get fired up about abuse—that, when I say, “When we do these things, we have these practices where we act on domain names when we confirm that they're engaged in technical abuse,” their eyes glass over and they're like, “Okay, great. That sounds good.” But then, when I quantify and say, “Well, in the fourth quarter, that was X -thousand domains for phishing, X-hundred for malware, and X-thousand for spam,” and actually put raw, true-to-to-life, takedown statistics in front of them, then they start to perk up and say, “Oh, okay. I didn't realize how aggressive you would be on that.”

I know there's a number of smaller TLDs involved here, but I think the more we can't quantify, particularly once you start getting up in the [dumb] count, “No, we've acted on X number of domains last year. We suspended X thousands of domains last year because of confirmed DNS abuse,” then it starts to put the rubber to the road for a lot of people that are being the squeaky wheels and starts ... At least in my

conversation, I've seen something click when they see the scale at which as registries are responsibility acting.

DONNA AUSTIN:

Thanks, Brian. I think that's an excellent point. We don't ... Well, obviously PIR is doing it now. I'm not sure how many other registry operators are actually tracking the responses that they have to DNS abuse. I think the numbers are always pretty powerful. So, when the other parts of the community are telling us there's a systemic problem, if we're in a position to say, "Well, these are our numbers. Where are yours to prove that it is systemic?" maybe that's a more balanced conversation that we can have.

Maxim, go ahead, please.

MAXIM ALZOBA:

I think we shouldn't resort only to just a different stance. We need to underline that, in our world, there is the thing which everybody might see in real life, like lack of evidence. Imagine a situation where the IP lawyer from some distant country comes to the local police department with the demand to arrest someone because something happened somewhere else and it's not illegal in this particular country. What is going to be next? And why do they expect a different thing in our case, were some third party comes with actual absence of proof and demands something?

Also, we need to underline that, in all those discussions, there is an idea that DAAR is an absolutely accurate tool, which is far from the

truth. First, it has no evidence. It provides no useful information. Third, it actually has false positives.

So the world is not like everyone is in white suits and we are part of the abuse ourselves. So we need to underline that we're trying to fight this, but please don't push on us based on the information from [inaudible] sources. Thanks.

DONNA AUSTIN:

Thanks, Maxim. I think it's always a helpful reminder that, while the Internet global, we all operate in different jurisdictions. To Maxim's point about that what is illegal in one jurisdiction may not be in another, I think that's always an important part of the discussion as well.

Kurt, I assume that's an old hand. Or is it a new hand?

Okay, thanks. We've got a few minutes left for this topic, so, if there's anyone who hasn't spoken who'd like to make a contribution—Jeremy, go ahead.

JEREMY EBBELS:

Thanks, Donna. I just quickly want to touch on one point that Brian made. It wasn't that I necessarily disagree with what you're saying about sharing the numbers and so forth, Brian. I would be hesitant to base external perceptions as to whether or not folks are addressing abuse just on pure numbers. I think, as Maxim was just saying, it's not necessarily down to, "We suspended four million domains this year (or

20 million domains last year).” I think you’re getting—I don’t know how to say this nicely—to a contest where the number of domains becomes the goal. I don’t want to go and arrest people just to show that I’m fighting crime. I think that’s a false economy. I think that we probably want to stay away from trying to publish X amount of domains that we have taken down or deleted or suspended because you get into that false economy that Maxim was just talking about. You don’t necessarily, I think, want to play that game.

And I think you were right before when you said there’s a lot of folks doing a lot of things, and they’re taking steps because generally you would know what abuse is. You’d take down phishing. You’d take action on pharming or malware of those types of things. Yes, there are other forms of abuse. I can only speak for Neustar. We’re working with the CSAM, which to be fair is a pretty horrific sort of content. But there are other forms of content abuse that we don’t look at and I don’t think we should look at.

Also, we don’t necessarily want to play games with IP and IP abuse. There are other policies and procedures to deal with that.

So I’m hesitant to get into the game of, “We did this amount of takedowns in this month.” I think that, as a community and as an industry, we definitely need to consistently address abuse. And I think folks are. As Jim was saying before, you’re very unlikely to get zero abuse in your TLD. So it’s an ongoing game, but I’m very hesitant to start throwing around large numbers just to show that we’re doing work. Thank you.

DONNA AUSTIN:

Thanks, Jeremy. I understand it's probably a balance that we need to found, but at the moment, we've got nothing. So, to be able to show to somebody ... Because I think the assumption is that people don't think we are doing anything, but, if you could try to put the numbers into context with maybe what ICANN puts out in the DAAR reports, if you have numbers that are contrary to that or can in some way prove that the numbers at the moment don't actually tell you what abuse mitigation or response is actually being taken, then that would be helpful to our argument. But I take your point. We shouldn't just be relying on numbers either because it could be a competition, and then that could be misinterpreted. So it's finding a balance as to how can we tell the full story so that it's a balanced representation of where we are.

Martin and then Jim.

MARTIN SUTTON:

Hi, Donna. Thanks. I think you've covered most of what I was going to say. I think it just needs to have careful consideration. But there does need to be something proactively put out there by registries, just to highlight, perhaps in aggregate, what is done across a number of registries. That helps to illustrate clearly the activities that are done. There will need to be consideration as to what the definitions are and how that data could be collected and shared. I think that could be a positive thing for registries to be able to do and show. So, yeah, I understand Jeremy's hesitation on that, but I think, at the moment,

there is a lot more need for outwardly showing what does actually go on.

The other thing there is things like it's not always in the control of the registry operator, but you could clearly indicate numbers like notifications out to registrars. So, under types of abuses, it could be the sheer fact that you are monitoring, you've identified something, and you've pushed out to the registrar. That is action. You've been proactive. You've identified something and pushed it out to the appropriate party that could actually action something.

So there are different ways that you can look at it and report it, but I think, absent of any reporting out from registries in particular, it means that you're going to have a continuing battle with the ICANN community. Thanks, Donna.

DONNA AUSTIN:

Thanks, Martin. I'll go to Jim and then we'll wrap this up. Go ahead, Jim.

JIM GALVIN:

Thanks, Donna. I want to dig on this numbers thing just a little bit to make this concrete, I hope, for everyone. The problem with [inaudible] is the fact that there are numbers out there. That's what DAAR is. We can quibble all we want about the quality of those numbers and whether they represent something real or actual, particularly [inaudible] that detail is not relevant because the Internet at large uses that number and they use what comes out of those reputation

feeds whether we like it or not. So there are numbers that are out there.

So the question becomes, can you offer a number that offsets that number? Part of the problem with that number—the only quality issue that I have with that number—is that what’s not presented in DAAR, what’s not generally available to the community, is the fact that, on any given day, that number today, if it’s 10,000 or 1,000 or whatever number of domains you’ve got, is not the same thousand the next day. There’s not enough information to make that visible. So the fact that you’re taking action is completely lost on the community at large. There’s no way to see that.

And I would argue that takedowns are not a relevant number. Takedowns are us being unfair to each other. Maybe that’s something that some folks would like to do. But, if you have a thousand one day and a different thousand then next day, did I just get 2,000 takedowns? So this numbers game because problematic across the board.

I guess [inaudible] this is just a pitch for wanting to bring more people to our DAAR discussion group. That’s where we’re trying to give some thought and some real discussion around what numbers represent and what we can do to inform OCTO in particular about a better way to show DAAR that will hopefully be informative to the community and knowledgeable to it and not overly negative towards as an industry. That includes that registrars because we’re all a part of this abuse ecosystem.

As Donna said at one point earlier, it tends to be fairly localized. The real problems that are being used paint all of us with a broad brush. We all have a role to play here. We should all be negatively impacted by the few. That's the issue here.

So the numbers game is really hard. I'd like to invite people to come and be a part of that discussion. There's a lot to be done there. Thanks.

DONNA AUSTIN:

Thanks very much, Jim. As people can tell from the last three speakers, I suppose, there are some challenges with the numbers games. But we also have a problem or a perception issue that we need to come to grips with with the community.

I'll just remind folks that, if we were in Cancun, we would have done a more robust session that was supposed to provide the community with some insight as to what practices we have in place to respond to DNS abuse and have some interaction and discussion amongst ourselves about what works and what doesn't work. We often hear that ccTLDs have better ways of doing things and that they're doing more because they can show something that they're doing. But obviously cc's and g's are different. So we were going to explore a little bit more of that.

I think ... Well, we don't know when the last ICANN meeting is going to be, but my hope is that we can work to put on that session that we had

intended for Cancun, whether it's at ICANN68 or ICANN69. I think it'd would be helpful.

I think, in the interim, from the stakeholder group perspective, this is a conversation that we will continue to see what options are that open to us to provide that education or information back to the community about what we are doing because, whether we like it or not, we have a perception problem that we're not doing enough and we need to do more. From our perspective, I think we think we're doing a hell of a lot more than people appreciate. So we need to find a way that we can communicate that, and not only communicate it but get people to understand that as well.

It's 2:05 in California. I'm going to take a break here. We'll come back online at 2:10. The idea is that we will have some discussion around some policy updates and what's happening with the EPDP Council update from Keith and Jeff, if we can pick up on your conversation about what happened in the SubPro earlier today. So we'll be back here at 2:10. Thanks, guys.

UNIDENTIFIED FEMALE: Michelle, please pause the recording.

MICHELLE DEMSYTER: Absolutely. One moment.

UNIDENTIFIED FEMALE: Thank you.

AUTOMATED VOICE: The recording has stopped.

DONNA AUSTIN: Hey, Sue. Hi, Michelle.

[SUE SCHULER]: Hey, Donna.

[MICHELLE DESMYTER]: Hey, Donna.

DONNA AUSTIN: Hey, folks. It's 2:10 in California. Michelle, can you start the recording, please?

AUTOMATED VOICE: This meeting is being recorded.

[MICHELLE DESMYTER]L Okay, Donna. We're good to go.

DONNA AUSTIN: Okay, great. Welcome back, everybody. I hope everybody had a chance to get something to drink or call a loved one or something.

The last two discussion items are just, as I highlighted, I think ... Keith, if you can just give us a brief overview of what's going on in the council tomorrow, then Marc and the EPDP team will move to you, and then Jeff will follow up with you. I don't think there's anything else that I want to cover off in this section, but if folks feel otherwise, now would be a good time to raise your hand. Okay, Keith, over to you.

KEITH DRAZEK:

Thanks, Donna. I hope everybody can hear me. This is Keith Drazek. I'm the current GNSO Chair. We'll give an update on the meeting that the GNSO Council will be having tomorrow. It's actually a fairly light schedule for the GNSO Council. We have no votes. There's nothing on the consent agenda.

The council will focus almost its entire meeting on two subjects. The first is a review of our projects list. The projects list, for those who haven't seen it, is an approximately 20-25-page document that provides a very detailed overview and update on the items that the GNSO Council is tracking and is managing or has managed through the PDP process. It identifies where things are in the scoping phase, where there's an active PDP underway, where issues are going through an implementation phase, etc.

During our strategic planning session in January, the GNSO Council got together and one of the discussion points is that we as a council and as the managers of the PDPs, in terms of a process, need to have a better and more detailed and deeper understanding of everything that's on that project list. I think what we found—I'll admit this myself

as well—is that councilors don’t have the deep understanding that we need to be able to properly manage and do a better job of making sure that we’re aware of all of the moving parts as it relates to PDPs, incoming PDPs, implementation phases, and the like.

So we’re going to spend a full hour of the council meeting tomorrow going through a detailed deep-dive on our projects list to try to level-set all of this new council (the 2019-2020 GNSO Council) to make sure that everybody is up to speed so that, moving forward during our council meetings, we can simply provide updates where there have been changes. So this effort tomorrow will be focused on ensuring that everybody is level-set and has a full understanding of where all these things are. Some of them have been on hold with the ICANN Board for a period of time, and there’s some instances where there’s quite a bit of interrelation between things on different line items. So that will be a significant area of focus for us.

After going through the projects list, we’re going to shift to the discussion of prioritization of work for the GNSO Council and the GNSO community for 2020 and 2021. This is an important discussion. I’d like to thank Sebastien and Maxim for helping to coordinate the survey on the work prioritization discussions. That’s something that we will talk about in more detail among the council tomorrow.

I’m hoping that other groups will be coming to the council meeting tomorrow armed with information and input for the council and the council leadership as we look towards prioritizing the work of council.

Coming out of the discussion tomorrow, my expectation is that the council leadership, working with staff, will put together a proposed prioritization list and a timetable for initiating some of the new work and give the full council the opportunity to provide feedback.

The effort that we started in January at the SPS (Strategic Planning Session) didn't result in enough input or feedback from council and from the various stakeholder groups and constituencies, so I'm hoping that, following the discussion tomorrow, Pam, Rafik, and I can put together a strawman that will provide something for the full council to react to.

The only other couple of things that I'd like to note is that, over the last couple of weeks, the GNSO Council has approved the project change requests for the Subsequent Procedures PDP and the RPM PDP. This is one of the PDP 3.0 improvements that the GNSO Council has been working towards implementing. Essentially, what we have now is a process by which leadership of the PDPs working with GNSO Council liaisons will submit project change requests to the GNSO Council for consideration when there are significant changes—for example, a change to a timeline or a projected timeline. We have now the Subsequent Procedures Group. I know Jeff will talk about SubPro here shortly, but the SubPro group has now an approved change request extending its timeframe to December of 2020. The RPM PDP leadership now has an approved projects change request extending their timeline out to October of 2020. As it stands right now, the EPDP is still on track to deliver its final report in June.

What this means is that we have three full-blown, active PDPs underway at the moment. We had hoped, from a council management perspective, that a couple of those—SubPro and RPMs—would be wrapping up earlier in the year. It now appears that they’re going to be taking up a good bit of the year out to Q4. That’s going to limit our ability as the GNSO Council to initiate any new PDP work.

There may be some things that we can initiate that are maybe not the same as a full-blown PDP in terms of a massive undertaking—something that might be more targeted or more specific—but that’s one of the discussions that we’re having for this prioritization effort.

Donna, let me stop there. Happy to take any other questions. But that’s essentially where we are a council right now. I know that there’s some further inquiries that are taking place from the EPDP group related to things like data accuracy and the ongoing purpose. So there’s plenty of other work going on, but I think those are the high points for the stakeholder group today.

DONNA AUSTIN: Terrific. Thanks, Keith. Marc and team? Alan? Matt? An EPDP update.

MARC ANDERSON: Hey, Donna. Can you hear me okay?

DONNA AUSTIN: Yes, I can.

MARC ANDERSON:

All right, great. Alan was unable to join us for the update, so it'll be Matt and myself giving the update on EPDP.

To start with, I do want to put out a reminder for everybody. The Phase 1 initial report is still out for public comment, closing on the 23rd of March. Please, please, please, everybody, take a look at that and provide your input. Thank you to those of you who have already looked at it and provided updates. It's been very helpful so far. But the more eyes we have on this, the better. In particular, it'd be great to get people looking at this who maybe haven't been as focused on the EPDP. Alan, Matt, and myself are so close to this at this point that sometimes things that seem obvious to us are not obvious to people looking at the language with fresh eyes. So I'd love to get fresh eyes on this. The more people reviewing and providing comments, the better.

Moving on from that, where we are within the working group is we're covering what we call the Priority 2 items. These are largely items that were left over from Phase 1. They're items that we either couldn't get agreement on or ran out of time to discuss.

Where we started with that was a difficult going. I actually had my doubts that we would have any agreement on the Priority 2 items, but I'm happy to report that we've had some good discussions on the Priority 2 items. We actually have two of them so far that we've come to agreement on. One is around privacy proxy and the other is around data retention. I think both of these were good, no-nonsense updates. So, as of now, we'll have at least two new recommendations that will

go into a secondary report or supplemental report to the initial report. This will also go out for public comment. There'll be an opportunity to comment on that, of course. But so far we have the two items and are continuing deliberations on additional Priority 2 items. I expect that list will grow by the time we get to that supplemental report.

I think that covers our current update. We had one meeting this morning on EPDP, and our second meeting will be Thursday. With that, I'm going to turn it over to Matt, who's going to give us some additional updates on discussions within the EPDP Working Group.

MATTHEW CROSSMAN:

Great. Thanks, Mark. Hi, everyone. It's Matt Crossman. I just wanted to flag a little bit the discussion that we've had around Purpose 2. I think Keith briefly mentioned that this is a topic of discussion that's occurring both in the EPDP and at the GNSO.

If you recall, Purpose 2 was originally included in the Phase 1 final report as one of ICANN's purposes for processing. The text of that purpose was "contributing to the maintenance of the security, stability, and resiliency of the domain name system in accordance with ICANN's mission through enabling responses to lawful data disclosure requests." That was part of the Phase 1 final report, but that piece was not approved by the Board based on some advice and a letter that had been received from the European Commission that ICANN should be careful not to conflate third-party purposes for disclosure with ICANN's own purposes for collection and processing. So that question was kicked to Phase 2.

We've been digging into that language over the last few weeks and had a discussion in our meeting earlier today, really trying to be mindful to not conflate those third-party purposes and drilling down on the language to figure out exactly what is this purpose intended to cover and asking the question of whether there's gaps in the purposes that we defined in Phase 1 that are truly ICANN purposes and gaps in ICANN's process and not third-party purposes.

It's also important to know on this issue that the purposes we defined have to be specific enough that they're able to inform a data subject about why their data is being processed. The flipside is we've pushed back on just cutting off the piece of the original purpose that had to do with enabling responses to lawful data disclosure requests and just leaving the piece about ensuring security, stability, and resiliency. In our view, that language is a broad catch-all and doesn't really satisfy the reasons for having a purpose so that you are informing data subjects of why you're processing their data.

There's a few proposals on the table that we tossed around today. No agreement yet. I think the most important development from our call earlier today is that we are going to get some advice, some feedback, from the Board on their view of what exactly they think may be missing from the original ICANN purposes. So I think that's probably the most important thing at this point to help this discussion move forward: get their views so that we can put something together that hopefully will be both accepted by those participating in the EPDP but then also approved by the Board.

With that, I'll turn it over to any questions. Thanks.

DONNA AUSTIN:

Thanks, Matt. Any questions for our EPDP team?

Okay. I see that Wim has put the public comment Google Doc for the EPDP initial report into chat. So, if folks are interested in contributing to that, please go to that link.

Marc, can you just remind me of what's the deadline on that?

Anyone?

MARC ANDERSON:

Hey, Donna. Sorry. For the public comments, it closes the 23rd or March.

DONNA AUSTIN:

Okay, terrific. Thanks, Marc. Jeff, before I got to you, just on public comments, the SSR2 Review Team ... The public comments on those close on the 20th of March. Wim, it might be worthwhile if you can put that link into chat as well. And, Sam, maybe that's a follow-up you'll need to do on the list.

Jeff, could you give us a little bit of a follow-on from what you introduced us to in the last discussion we had about some of the conversations about CCT Review recommendations and GAC advice and PDP recommendations? Thanks.

JEFF NEUMAN:

Sure. No problem. We've had a number of meetings of the Subsequent Procedures PDP already at this session, and already—gosh—I think [at] three different GAC sessions where I know Cheryl and I have presented different issues. So the good news is that they are fully invested in these issues now as opposed to in the last round, when it was really only after the policy work was done.

On the flipside, the GAC, as you may know from the past several meeting, has been very insistent on all of the CCT Review Team recommendations being implemented. Originally, when the ICANN Board only adopted a couple of them, GAC provided advice saying, “No, we need all of them implemented.” When that seemed not to anymore, the GAC in Montreal just passed a resolution stating, “You need to implement at least the prerequisites and the high-priority recommendations.” One of those—actually, I should say three—recommendations related to DNS abuse and solving the problems as the CCT Review Team defined them and as they're requiring.

The Subsequent Procedures PDP has several discussions about this issue, and, ultimately, where the recommendations are leading is similar to what I said before, which is, to the extent that this is a problem, this is an industry-wide issue. This applies not just to the new gTLDs going forward but to all the 1,300+ existing ones plus ccTLDs. And there's already so many different efforts underway to discuss DNS abuse. I'm trying to stay away from the term “PDP”

because I don't think that's what the stakeholder group wants. So I'm trying to be very careful in having these discussions.

When we presented the recommendation, [we said that] essentially SubPro is not the appropriate place to deal with DNS abuse because it's this industry-wide effort, and what good is it to just address this issue with TLDs that don't introduce themselves until 2022/2023, when all of the "problems or concerns" are with the existing TLDs, because the new TLDs, by definition, haven't been launched yet? So there can be no abuse in the TLDs that has gotten no registrations and doesn't exist.

The GAC did not respond very favorably to that call. It's their view—it came out from ALAC members more so than GAC members—that, because they are under the impression that there's no going to a PDP—or even if there is a PDP on DNS abuse, it'll take years—they're trying to leverage what they think contracted parties want, which is new TLDs. So they're trying to say, "Okay, contracted parties. If you want new gTLDs, then you need to (and the SubPro Group) figure out the solution to DNS abuse so that we can then force it on the existing registries when the existing registries' contracts come up for renewal after the [ten-year] term." If you do the math, there are some registries that will come up in 2023, '24, and '25, which is only a few years (or, in some cases, a year) after the first new gTLDs, in theory, if it launched in 2022.

So it's an interesting discussion. We, meaning the SubPro and myself, need to do a better job in explaining all the reasons better of why it's

not really appropriate to just put these requirements on the new entrants as opposed to everyone if there are going to be requirements.

But I think we as a stakeholder group probably need to think about the bigger issue, which is this concept of leverage or trying to hold the new gTLD process hostage until they get what they want with DNS abuse. I'm not even 100% what they want but I thought that'd be an interesting issue for us to discuss.

And it does relate also to one of the issues that we're going to talk to the Board about, which is the role of review teams vis-à-vis the policy development process and the expectation that, simply because a review team, which is not policy development—in the CCT Review Team case, it was appointed top-down (I know the procedures are different now) ... But, essentially, that was appointed top-down and not in any kind of policy-development fashion. So you have lots of groups that want to circumvent the PDP process in order to get their recommendations, which otherwise should be policy recommendations, implemented.

Sorry. It was a little bit long, but I think it's important because it relates to all. And the SSR2? Same issue, absolutely.

DONNA AUSTIN:

Thanks, Jeff. I think what we'll do is segue to the discussion with the Board because I think this feeds into it nicely.

Sue, can we go to the next slide, please? So what I want to move to now, folks, is our preparation for the meeting with the Board, which is

tomorrow at some time in the morning, my time. Sue, if you could put those details in the chat, that would be helpful.

One of the topics that we wanted to discuss with the Board was, I think, very much related to what Jeff was talking about. Thankfully, Jeff is actually on the hook for leading this discussion with the Board. The topic is: “Review team’s policy development processes and bilateral contractual issues. Discuss the role and the scope of the various policy and advice mechanisms that exist within ICANN.” The concern for us it’s become a challenge for the community and the ICANN Board to determine the appropriate prioritization of work coming out of the review teams and other processes that is, at times, competing, and, at others, complementary. But it seems, in this case, that some processes potentially could hold other processes to ransom. I think that’s something that certainly the Board, the GAC, and the council probably need to sort out in terms of what Jeff was just discussing.

Jeff, your hand is up. Go ahead.

JEFF NEUMAN:

Thanks. I’d like to, when I tee this issue up for the Board, do it in a non-advocacy kind of way. I just don’t want people to view that my co-chairmanship of SubPro is in any way advocating against CCT Review Team recommendations and get criticized. I believe that, with what happened today, it gives me the unique ability to introduce this by talking about the expectations in a neutral way, stating, “Look, this came up even in our conversations of not just an expectation that we

talk about what the review team did and their conclusions and their rationale,” but it seems like there’s an expectation that the policy processes just serve as a rubber stamp for what happened at the review team.

So I can address it from that way and tee it up in a fairly neutral way. What would be great if we could have other people lined up after me to just then bring it home as to why this horrible for the Registry Stakeholder Group and that this is not the way it was intended. I think a tag-team like that would be helpful.

DONNA AUSTIN:

Thanks, Jeff. I think you have a pretty [live] example of why it’s important to have this discussion with the Board right now, regardless of the role that you serve as the Chair of the SubPro.

Does anybody else have anything to contribute to this discussion? I hope that folks will come in behind Jeff, depending on how the discussion goes. I will note I think we have 90 minutes with the Board. Generally we split 90 minutes with the registrars, so this will be really a longer session with the Board than what we usually have.

Jonathan, go ahead.

JONATHAN ROBINSON:

Thank, Donna. I think one element, tactically, which you might want to do is ..With this point that Jeff’s going to make with others, I think it’s

be very useful if we could try and put questions back to the Board. Are they aware of this tension? Is this something they've seen before?

Jeff, I understand you've now got a really nice way of bringing it in which doesn't look like pure advocacy, but it would be good to know if the Board is actually picking this up elsewhere or are aware of this issue because, as I think you mentioned earlier, Donna, one of the key ways in which they would introduce it is this "How do we prioritize all of these reviews?" That's the way they've been saying it, but are they aware of this emerging tension between the review work and the policy work? So just generally using that as trying to push it back onto the Board to get some interaction. We struggle when we're in the same room as them. I hate to think everyone is dispersed all over the world and we can't even see what each other are doing. Let's hope we can get some engagement. Thanks.

DONNA AUSTIN: Thanks, Jonathan. Sam?

SAM DEMETRIOU: Thanks, Donna. To Jonathan's point—Jeff is noting this in the chat as well—I think the Board is pretty keenly aware of this issue, and it was something that Goran brought up in Montreal when we had dinner with the Registrar ExComm and the Registry ExComm and him.

I like Jonathan's suggestion about asking a lot of questions. I think this is a set of questions that fall pretty squarely to the Board and no one else. I think we can also look back at some of the other actions that

the Board has taken over the past, I think, year or eighteen months or so. The Board directed staff to produce the operating standards for specific review and also some guidelines on how to make the actual recommendations that come out of review teams more actionable and implementable. I don't remember if that's been published or if it's something they were just working on, but I think it might be helpful to ask how they see that work contributing to it and really go down that line of questioning about how they see all this fitting together in the context of needing to prioritize work and really how they're discussing it and planning to respond to all of this.

So, yeah, I really support the path that Jeff and Jonathan are laying out for us.

DONNA AUSTIN:

Thanks, Sam. Thanks, Jonathan. Jonathan did point out one of the challenges that we are going to have in this virtual setting, and that's the ability to communicate with one another or understand that there's not going to be any verbal cues. So this could be a little bit of a challenge for us. But I think we have a good sense of what the issue is.

Jeff, I get the sense that you'll get others that will back up and come in as part of this discussion. Jeff, are you comfortable with where we are?

JEFF NEUMAN:

Yeah. [inaudible]. [I'm good]

DONNA AUSTIN: No problem. The next item that we have for discussion is the establishment of the independent review panel.

David McAuley, are you on the call with us?

DAVID MCAULEY: Donna, hi.

DONNA AUSTIN: Hi. David has brought it up on the list and has agreed to take this forward. David, do you want to—I don't know—want to give us an overview of how you want to propose this and what we hope to get out of this?

DAVID MCAULEY: Sure. To be honest with you, I think this one, Donna, is really simply a question to the Board. I may be wrong, but I don't suspect/I don't see/I don't sense that much is going on with the creation of the standing panel right now. I may be wrong in that.

I think what I was hoping to achieve by proposing this as a question is just another reminder to the Board that the issue is not lost on the community. So the way I see this is asking this as a question perhaps with just a little more context, talking about the fact that the establishment has been on the bylaws for a while. It was picked up again in the IANA transition. It's become more important now that rulings are finding they're enforceable or they set a precedent. So it's an important matter.

But, frankly, when I suggested it, I was really suggesting just basically the question, the catalysts, for making the point that it's not a lost thing.

DONNA AUSTIN: Thanks, David. Perhaps we could also ask in the context of, when ICANN is prioritizing its work, how does this fit into the equation.

DAVID MCAULEY: Mm-hmm.

DONNA AUSTIN: I see Jonathan and Kurt. So Jonathan and Kurt?

JONATHAN ROBINSON: Mine's an old hand, Donna. Apologies.

DONNA AUSTIN: Sorry. Kurt, go ahead.

KURT PRITZ: Thanks. And thank for bringing this up, David. Donna, I agree with what you said in there and how they're placing it in their pecking order or priorities because it's a fairly stale issue.

I don't know if it's true, but I've heard that—and, when I was asked to join the IRP-IOT, I was told—that one of the things we need to settle are outstanding issues so that the Board can appoint this independent

review panel. I don't know if there are outstanding issues, but if someone on the Board says, "Well, I don't think we have it. We're waiting for the IRP-IOT to give us the remaining information," I would take the Jonathan Robinson approach and ask, "Well, what do you lack? If you have a sense of urgency about this, you should know what you lack because we don't think there's anything. So can you at least get back to us right away and tell us what in particular you don't have so that you can go ahead and get this done?" Thanks.

DONNA AUSTIN:

Thanks, Kurt. Susan Payne is noting that it's not specifically in the remit of the IRP-IOT. But, Kurt, if I understand you correctly, there's a possibility that they will say it is. So I guess it needs to be pushed back [on] if that's actually stated.

David, are you okay with that one?

DAVID MCAULEY:

Hi, Donna. Kurt, I think that's an interesting idea. I would welcome the participation of others—Susan, Kurt, or you—if that point needs to be made. But I suspect, like Susan, that that may not come up because I haven't heard that in the past: that there's a link between the IOT and the establishment of the standing panel. If it comes up, I would invite you to make that point.

I will say that IRPs are still able to be filed and they have to get a panel. They'll get them from the International Centre for Dispute Resolution. So the establishment of a panel to hear a specific case is not

dependent on the work of the IOT, except to the extent that, as the IOT issues rules, interim rules, or whatever they may be, those rules may come to apply, but a panel can move forward.

So I'm not sure I understand or sense the linkage, but, if it comes up, I think, Kurt, I would invite you to maybe make that point. Thank you.

DONNA AUSTIN:

Thanks, David. Release of IGO acronyms at the second level. During the wrap-up session we had in Montreal, Lucky from .africa asked if we could raise this again with the Board because they had received a request from the African Union to use "au" at the second level of .africa. Because of this temporary reservation still being in place, that was impossible.

I thought I saw Lucky on the call earlier, but I don't think he's still on the call now. Lucky, are you still with us?

It doesn't look like it. I has asked Lucky if he would lead this discussion, but, if he's unable to do so, then I'm happy to step in in his regard.

I wrote to Maarten Botterman, the Chair of the ICANN Board, and specially requested as a matter of urgency that registry operators be allowed to release IGO acronyms to the relevant organization as requested or to a third party who has attained written approval from the IGO and that the Board make that determination now. They can do that because it's a contractual issue. So they could potentially do

something similar to what we did with two-characters at the second level. That's the immediate request.

Then, as a separate discussion, we need to understand how we can have that temporary reservation that's currently in place lifted.

Maarten has since responded, saying that basically the Board is saying that they're not in a position to consider the request at the moment and it seems contingent about the GAC advice and the GNSO PDP work.

I did send this to the list and I wanted feedback from folks about where we want to go with this. I think it is a case of that we've had a temporary reservation in place for seven years. If we have to wait for the outcome of PDPs and GAC advice, then we're potentially looking at another two years. We have registry operators that have received requests from the specific IGO to use the IGO at the second level. It seems non-sensical, but we're not in a position to do that, given that the GAC advice is pretty much to protect the IGO. If it's the IGO that registered, then it's not a problem. So I just want to know where folks want to go on this issue.

Okay. I'm going to ask for a show of hands. Is this important to registry operators that we pursue this?

Kurt, go ahead, and then Rubens.

KURT PRITZ:

I was just making a show of hands.

DONNA AUSTIN: When I said “show of hands,” I was looking at the tic mark. Great. So Kurt and Rubens have show their hands.

Susan, is that a hand as in you want to speak?

SUSAN PAYNE: I was doing the same [inaudible]

DONNA AUSTIN: Sorry.

SUSAN PAYNE: I was going to say that, for one of our clients, it definitely was important. They put in a request. They had perfectly reasonable support from the relevant IGO. I think the moment has passed. It’s incredibly frustrating, when you have someone that wants to use the two-letter [code], and the IGO in question is fine with it, and then they can’t use it anyway.

DONNA AUSTIN: Thanks, Susan. I guess the response we get back from the Board is going to determine how we go forward on this. But I really think it’s not that dissimilar from the conversation we’ll have about review teams and policy development processes. We’re being hamstrung by process here because I don’t think the Board has made a decision about the IGO Curative Rights PDP. I don’t think they’ve wrapped that

up. I know that there's going to be a separate PDP that will start on the [inaudible] recommendation. I can't remember what that's all about.

But this is nonsensical to me that you cannot release that IGO acronym to the IGO because that's not going to go against GAC advice. So I don't see what the problem is.

So I think we'll just go down the road that we think the response from the Board is disappointing. We think it's nonsensical that our request isn't inconsistent with GAC advice. So we don't understand what the problem is. Can we find a way to go forward?

Yeah, Rubens, I know. I know that one of the arguments the Board is likely to come back with is, if they allow the release of IGO acronyms to IGOs, then that may set some sort of precedent. But I think seven years is long enough to try to resolve this issue. So I think we need to push forward on that.

ICANN Org preparations for the new gTLD round in parallel with the policy discussion. Kurt, this is something you have identified on the list, and you have agreed to take this forward as a discussion. So do you want to speak to this and what you hope to get out of it?

KURT PRIZ:

Sure. If everyone here thinks it's important, we want to bring it up. Especially given that the ICANN policy is to have a subsequent round of TLDs one year after the previous round closed and it's taken this many years, we hope that ICANN is working in parallel with a policy development to lay some of the groundwork in systems and other

things that can be done with low risk in order to expedite the implementation of the policy that it has done[.] We think there's some harm being done to the reputation of the multi-stakeholder model due to the length of time. Multiple PDPs are taken [in] the implementation of those PDPs. This is certainly one in the spotlight of the world. So we'd like to hear that ICANN is making preparations for the subsequent round and also—I forget what I was going to say next—is looking to shorten that time.

I would even couch it in terms of that the RySG is a disparate group and then some of us are for a subsequent round, and some of us are not. But we're all for the big ICANN delivering on its promise to develop policy and implement that policy. The implementation of new gTLDs was one of the cornerstones on which ICANN was founded, so we hope that the staff shares the sense of urgency that the rest of the community does.

I don't know, first of all, if that sort of comment completely misses the boat or that someone on this call has specific knowledge that ICANN is actually doing something or is actually doing nothing or anything that could help with this discussion if we decide to include it.

DONNA AUSTIN:

Thanks, Kurt. I see that Keith has let us know that ICANN's project name for next round implementation is The Milky Way. I don't know what that means. Keith, go ahead.

KEITH DRAZEK:

Thanks, Donna. To my understanding, there is an internal, cross-functional group that has been pulled together at ICANN Org to look at and to start planning and preparing for the implementation of the Subsequent Procedures policy and subsequent guidebook and all of that once the policy is concluded. So there has been a group apparently pulled together. My understanding is that Cyrus was put in charge of the group. I don't know who else is on it, but there is some action or activity underway, at least to start taking the initial steps.

So, if you want to ask Goran tomorrow or the Board tomorrow about that, that's something that he'll probably be able to speak to. I don't know where it is in process or how far along they are, but that's the concept.

DONNA AUSTIN:

Thanks, Keith. Jeff?

JEFF NEUMAN:

Just to add on to Keith, as you probably know, Becky and Avri are the liaisons to the Board of that committee, so I think they also meet with Cyrus and Goran and the executive team.

I think—Keith was also on the first call that we did—there was a call or there supposed to be some kind of coordination group that included Cheryl and myself, as the current Co-Chairs, with Keith and Rafik and Pam as the leadership of the council, to just to try to give them a heads up on any issues that we say coming down the road that they might want to start dealing with—areas of conflict or—or just help

them prepare. It wasn't a substantive role to help them prepare for the next round but more to just make sure that we were talking to give them a heads up of issues that we saw.

We had a call in December. We're supposed to resume that in February, but I don't think that happened. So I'm not sure if that's going to happen after this meeting. Maybe Keith knows more about that. Thanks.

DONNA AUSTIN: Thanks, Jeff. Kurt, it looks like there will be some kind of substantive answer, but we still need to ask the question. Are you good to go with that tomorrow?

JEFF NEUMAN: Sorry, Donna. Can I just respond? Because I saw Kurt's question. Kurt, there's no budget specifically allocated, but what they said is that they won't budget until after the policy is approved. But they do have a certain amount of discretionary spend or other areas that could fund this process once the policy is out the door and in their hands. Thanks.

DONNA AUSTIN: Thanks, Jeff. Kurt, you're okay with that?

Okay. Kurt is good to go.

Can we move to the next slide, please, Sue? I just want to do a time check. It's three minutes to the top of the hour. We've got a little bit of

concession from the tech team to stay with us, so I'm hoping to wrap this up in the next five minutes. So just five minutes over.

The Board has identified the following topics to discuss with the RySG: key priorities for action of ICANN constituencies in 2020. When I had a conversation with the ExComm about this, we had differences of opinion about whether they wanted our priorities or whether they were talking about ICANN's priorities because of what's in the bracketed section.

Sue, if could go to the next slide. What I put together—this is loosely based on something that Russ had provided to me and Graeme ... I just want to a snapshot of our list of RySG activities and our order of prioritization just to give the Board a sense of what we're dealing with at the moment. This obviously doesn't include the PDPs beyond the EPDP because we have an obligation there in terms of providing people to that. But I just wanted to use this as a little bit of a highlight to the Board of some of the things that we're working on at the moment. It just helps to have a visual of it.

Is there anything that I've missed on here?

[CSC]. Yeah, maybe, Maxim. Maybe I can put that under councilors. We can put SubPro on this. We can briefly do an update. We can put RPMs on it as well.

Jeff, go ahead. [It's just intended], yeah. Sorry. Go ahead, Jeff.

JEFF NEUMAN:

If you have SubPro on there, when the policy is delivered and we get into the implementation, I guess we need to be prepared for that. We may even consider reviving something like the NTAG again for people to start discussing specific applicant issues. So it's just something that you might just want to make the Board aware of. It could happen before the end of this. Well, it's going to happen in the next fiscal year. So I think that you might just want to give them a heads up.

DONNA AUSTIN:

Thanks, Jeff. I could put something on here like [horizon] because I think EPDP Phase 2 is going to have to be implemented as well. So we can put those things in there. Sue, you and I can work on it, just an update, to capture a few of the other points.

Sue, if you can just go back to the last slide before. Thanks. Specific developments coming up that ICANN constituencies feel need to be addressed when updating the ICANN strategic plan. Maybe they should look at the consequences of not being able to hold face-to-face meetings. That was one that I came up with. Maybe they're considering that now.

On that point, I think we do need to ask the Board when they'll be making a decision about the GDD Summit. If people have a view on that, it would be helpful for them to just mention that because I think timing is going to be important. So we don't want to be in a position where people have booked accommodations and flights and then ICANN says, "We've decided not to go ahead." We need to tell us what

date they will make their decision by to give us a level of comfort in terms of what we need to plan for.

Understood, Jeff. We can certainly make that point that the meeting so far has been pretty smooth, and we can compliment them on that. I think the bigger is how much hasn't got done because it wasn't a face-to-face meeting. I probably have a different view [inaudible].

Are we all reasonably comfortable with how we're going to manage the session with the Board tomorrow?

Just a question. If you could put a green checkmark or a red checkmark/X mark if you intend to be at the meeting with the Board tomorrow.

Okay, good. Just a reminder that the Board meeting is for anyone to participate in. We have leads identified for the topics that we want to discuss with them. I would encourage anyone who has something to contribute to do so.

Sue is also going to look at setting up a backchannel for us that might make things a little easier during the Board discussions. So Sue will be in touch about that.

All righty. Thanks, everybody, for your contribution today. I think we've had some really good discussion again about DNS abuse. I think it was really helpful, in terms of what would be helpful for us for next steps and our contribution to the discussion.

Cherie and Beth, thank you very much for taking us through the amendments to our charter, bylaws, and operating procedures. That is an important piece of work for us that we need to get finalized. I think we made some really good progress today.

Thanks, everybody. To those that were observing, I hope you found this interesting, if nothing else. I'll see most of you tomorrow on the Board call.

You can end the recording. Thanks, Michelle.

MICHELLE DESMYTER: Thank you so much.

[END OF TRANSCRIPTION]