ICANN75 | AGM – Joint Session: GAC and GNSO
Monday, September 19, 2022 – 16:30 to 17:30 KUL

(Recording in progress)

GULTEN TEPE: Hello and welcome to the GAC meeting with the GNSO on Monday 19th of September, at 8:30 UTC. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior.   During this session questions or comments submitted in the chat will be read out if put in the proper form. If you are remote, please wait until you are called upon and unmute your Zoom microphone.

For those of you in the GAC room, please remember to raise your hand via Zoom room. For the benefits of our participants, please state your name for the record and speak at a reasonable pace. You may access all available features for this session on the Zoom tool bar. With that I will hand the floor over to Manal Ismail, GAC chair. Over to you, Manal.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Gulten, and good morning good afternoon and good evening, everyone.   Welcome to the GNSO GAC bilateral. The meeting is scheduled for an hour, and I would like

to start by welcoming Philippe Fouquart, Sebastien Ducos and all GNSO council members who joined us in the GAC room or on Zoom of course. I would also like to thank Jorge and Jeff for being -- for their efforts in arranging for this meeting and coordinating its agenda.

And Jorge is our point of contact with the GNSO, and Jeff is the council's liaison to the GAC, and they to an amazing effort intersessionally to prepare for our meetings here.

But before we get started with the agenda allow me first to give the floor to Philippe. Chair of the GNSO Council if you would like to have any introductory remarks.

PHILIPPE FOUQUART: Thank you. This is Philippe Fouquart, GNSO chair. Just want to thank you for welcoming us again with this bilateral meeting. We know the GAC participants have been involved in a number of common initiatives let's put it generally. We can talk about the closed generics in a moment. And we are looking forward to also providing you with an update on the ongoing activities within the small teams under council, such as the DNS abuse, so again thank you and I think we can start with our agenda.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Philippe, and as you can all see on the screen, the agenda has the topics of mutual interest to the GAC and the GNSO, first we have the WHOIS disclosure system, subsequent rounds of new gTLDs, DNS abuse, and accuracy, in addition to any other business.

So… if we can go to the following slide, please? So, starting with the WHOIS disclosure system, the GAC would like to know if GNSO can outline expected next steps with the ICANN Board regarding the design proposal by ICANN org of a WHOIS disclosure system in response to the GNSO's request for a prototype or pilot of a potential SSAD or Standardized System for Access and Disclosure.

And shall I go through the three questions? And then I think -- yeah, okay thank you Philippe. Second is how does the GNSO envision the transition to occur between the pilot WHOIS disclosure system being proposed and the eventual consideration of SSAD policy recommendation? Could key features stemming from the EPDP Phase 2 policy recommendations such as accreditation be added gradually to the system? And finally, according to the GNSO Council to what

extent does the proposed WHOIS disclosure system serve the policy intent pursued by the SSAD Phase 2 recommendations?

Yes, Philippe, thank you.

PHILIPPE FOUQUART: Thank you Manal. All good questions. This is Philippe here. That have been not addressed but at least reviewed within this small team and just to recap for the -- I know there are a number of new GAC participants, and very briefly, even before the publication of the ODA which is the output of the ODP, A for assessment, the council -- well Board reached out to council with the expected results, notably on the financial elements relative to implementing the SSAD with a view to having an initial feedback from council, and from the GNSO at large as to how that would actually map with the expectations from the working group, the final report.

So… with this, council put together a small team to review the ODA, and, and eventually that led to that concept of -- I'm sorry, proof of concept, later renamed as the WHOIS disclosure system. Even the term is debated.

That small team is led by Sebastien Ducos, who is with us on-line remotely, I would like to hand over to Sebastien Ducos to give us

an outlook on the activities of the small team as well as the initial feedback that we received on Saturday and so bear with us. This feedback has not been reviewed by council, so it's essentially informational at this point. Sebastien?

SEBASTIEN DUCOS: Yes, I'm here and I hope you can hear me.

PHILIPPE FOUQUART: Yes, we can.

SEBASTIEN DUCOS: Thank you Philippe for your introduction and Manal for your invitation. I am indeed not in Kuala Lumpur but look forward to meeting you all at the soonest.

So, as Philippe said, the small team has been working since February, essentially preparing a response to the, to the Board's question, with regards to the fact essentially that the SSAD as coming out of the policy recommendation turned out to be a very expensive exercise, and for us to see what could be done about it, and thus the -- this project which is a -- if not simplified a smaller version of the SSAD focused on, on the part of the original SSAD recommendations, and that will answer a few of your questions later, which is essentially a ticketing system to allow any member

of the public to make a request for information, for that request to be logged and tracked, for that request to be sent to the appropriate registrar, so the registrar of record -- the registrar that is noted in the RDAP -- and for that registrar to then handle and respond appropriately.

The system is not a system that guarantees a positive response to a data request in the sense that it's still very much in the hands of the registrar in question to decide if the request is appropriate, but it is expected that registrar should respond even if they respond negatively, and if they respond negatively to -- insofar as possible, provide answers and reasons as to why it is.

And, again, the object is to track that flow. Now, we worked with staff through the northern hemisphere Summer so the months of July and August. They did most of the work. We met in July and then in August to have some progress report on what they are doing. They presented to us in August some mock-ups that you will find in the document that they published last week of what the product will look like.

They gave us a cost estimation that is indeed much, much cheaper to develop and run than the previous version. We had had time as Philippe said to meet on Saturday and start gathering the first feedback. We're very early. So not only has it not been

reviewed by the GNSO, but it hasn't even been reviewed by the small team. We are just as we speak, hopefully a meeting that we can all attend this week to start gathering these first ideas but it's early days.

So… I don't want to pre-suppose on anything. I'll just say that as we met in July and August, the proposal by the team [inaudible] response to the specifications that the small team had drafted in, in May, June, the -- staff went back also to the SSAD recommendations and did an excellent job of trying to fit as close as possible to the original recommendation. Again, there are large chunks of the original SSAD that are -- that will not be covered, including, and thus your question for example everything that has to do with accreditation, and that part of the system.

And so, I just want to be very careful about being very clear that it's a work in progress. It's informational. There are no decisions being taken. Not from the small team, not from the GNSO, and by extension not from the Board [who are on the path of decision too.]

In terms of what can be sort of -- trying to cover your questions. I'm not looking at time so if anybody needs to speed me up, please do. What can be expected as a next step? So again in terms

of process, this is not in the hands purely of the GNSO in the sense that we voted for it. The ODP is not a GNSO process. It's an ICANN staff and Board process, so right now, the decision-making process is still [officially] in the Board's hands. They came back us to and asked us to work together. We will give them recommendations based on the recommendations from the small team, and with the agreement of the GNSO Council, but this is a Board process, it's for them to decide if the pilot will go, and so on and so forth.

I have an understanding that should the GNSO Council decide to go with [inaudible] for that work but it's very much a GNSO -- it's not for me. It's not for the GNSO -- small team or the GNSO to decide that on the end.

So, as we envision it, small team makes recommendations that go to the GNSO, and to be validated by the Board to go back to staff.

This process could happen quickly. I'm hopeful that it could happen quickly, but we're even debating on the time-line our capacity to respond on this [for us to] take a few weeks or months to be able to do this.

How the GNSO envisions a transition to occur between the pilot to essentially going back to SSAD, so this is, this is a big question. Again, we are -- this is officially in order to try the ticketing system part. The decision to try only that part and not work on the accreditation actually came very early on in our debates because the registrar said that in any case that they are responsible and remain responsible for disclosing the data, they would want to do their own accreditation regardless, and wouldn't take any third-party accreditation at face value. [It might] help them in their decision but wouldn't take it as face value.

And so, there was discussion in the small team that should the ticketing system be enough, if that works for the community, we might have to review the SSAD in large portions. Now this said, again, I need to be super careful. The EPDP Phase 2 recommendations were voted [by ICANN]. They are in the Board's hands, and it would take something from the Board to send it back to council to go back, and I don't expect that to happen until the WHOIS disclosure system or whatever name comes of it in the end, has been developed and running for at least a year.

So, a year because it would be a second gate in terms of small team because we already planned to have a review after 6 months but a first gate with particularly the development team

and ICANN to decide what we are doing with this. So again, this will be discussion to be had with the Board. It's a Board discussion, discussion to be had with the Board at this point, as far as I'm concerned, but it is not a discussion for tomorrow.

So will the WHOIS disclosure system in fine take back all the SSAD recommendation? I don't know, this is part of the exercise. Again, if the exercise proves that the tool is [inaudible] for the community as is proposed, we may well want to stop there and not implement more than that. Just for reference, in the, the -- we were talking in the original ODA of costs in the hundred-million-dollar range, and we're talking costs in -- now, sorry, she's asking me to turn the video off maybe because the connection is not very good. And I hope that helps. I don't know where I'm at. So sorry about that. Where was I? Sorry I lost my --

PHILIPPE FOUQUART: You were at point you were referring to the cost of the costs of the proof of concept essentially.

SEBASTIEN DUCOS: Yeah, hundred-million-dollar range. We are talking now in -- there's still a staff cost of about 3 million to develop this thing, but we are talking about out-of-pocket costs in tens of thousands of dollars and not millions anymore. I'm not putting

the heavy weight on the accreditation, but the accreditation was a very, very significant portion of that hundred million, and so once again, if it turns out that that part, which was very, very costly is not something that is essential, and we can prove we can work without it because accreditation will happen at a registrar level anyway, we won't pursue the implementation or rather, recall the recommendation and recommend to go for a simpler version.

I hope that covers your question. I'm happy to take any (audio distortion).

MANAL ISMAIL, GAC CHAIR: Thank you very much, Sebastien, and thank you Philippe, and very much appreciate this early sharing of information so much appreciated. Any follow up from my GAC colleagues or shall we move on? I see a hand up in the Zoom room from Gemma from European Commission. Please go ahead.

EUROPEAN COMMISSION: Thank you very much Manal. I hope you can hear me correctly and greetings to everybody in Kuala Lumpur. And also thank you very much Sebastien. I think you gave a lot of useful information. In particular among the others -- I am learning. I was not aware

that the registrars had already anticipated that they want to use their own accreditation systems so this is important information.

So all of us, we have, I think we are digesting the information we received including the paper where the disclosure system is described, and what I'm hearing as regards the fact that other features stemming from the EPDP Phase 2 could be considered for addition if I understood correctly after the piloting itself, so after the pilot runs for one year or so, and I'm wondering because the ticketing system is definitely very important, and this is a key feature to allow the requesters to identify and connect with appropriate registrars.

However, as we all know, the SSAD recommendations, they cover a lot more ground, and I understand not all of this ground could be covered in what is considered as the light system and I understand that some testing on the key featuring of ticketing has to be made. At the same time, I wonder since everybody from the community just received the paper, the description of the paper, whether before moving into the actual testing, they would be given consideration to the reactions to such a proposed test, which by default deviates, this is clearly explained at the beginning of the paper, from several of the policy recommendations.

So I'm wondering whether reactions from the community could be at least -- I mean depending on how these are formulating and what is requested, whether more could be still included in the testing before this is actually launched because accreditation is the clearly one very important feature for part of the community, but there might be other elements so it's important that before the test is launched those who would need to use the system have the possibility to see whether as it's conceived in the very light format would be of use.

So… whether they would actually use the system, or there are at least some other key features that need to be tested so the question is precisely whether feedback on the disclosure system could still be incorporated before the pilot is launched? Thank you.

SEBASTIEN DUCOS: So, this is Sebastien again. Thank you very much for your question. Let me [inaudible] with the small team and we will definitely update the community on where the thinking is.

Obviously, nobody is going to say no to feedback, and the small team has reached out to the make sure that we have a large panel of representation for the community to make sure that we hear those voices. I would want to contain that process also in time

and in effect. We are not re-starting a PDP. We are not re-starting a -- the whole part of the, of the subject, but you have, you have a GAC member in our small team, and all opinions will be heard, and again we're trying to meet as soon as this week to start that process.

We will -- we are already looking into dates in the next few weeks to meet again intensively as we did in February, March, and April and May to cover as much as possible. But yet, also show progress. I'm not saying going forward but showing progress and making sure we look into this issue with the speed it needs.

MANAL ISMAIL, GAC CHAIR: Thank you very much Sebastien, and thank you, Gemma, for the question. So, I think mindful of the time -- please, Philippe, go ahead.

PHILIPPE FOUQUART: Thank you Manal. This is Philippe here. I would just add one continuing to what Sebastien just said. It was obvious but I'm just -- it's better stated, I guess. That it's small team of council so the feedback you will receive will go "through council". We need the transparency, not only to GAC but to the whole community, so obviously for councilors here, there will be a sort of an

oversight -- apologies for using a strong word here -- by council. Thank you, Manal.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Philippe. Well noted, so can we move onto the following slide, and following topic, which is subsequent rounds of new gTLDs, and on operational design phase, what are the learnings so for the GNSO Council from the process of interacting with ICANN org in the course of the ODP?

Do you envisage any need to make adjustments, and finally. Apparently there has been quite a lot of substantive interaction between ICANN org and the GNSO Council on SubPro, including many questions on the interpretation of the SubPro final report.

However, other parts of the community, for example the GAC, have not been privy of -- to such discussions. Maybe future interactions during ODP should be more inclusive and transparent.

So again, your response to the first questions and maybe your thoughts on the third point, thank you.

PHILIPPE FOUQUART: Thank you, Manal. So, before I -- this is Philippe here. Before I hand over to Jeff, our liaison to the SubPro ODP, let me just say that on the – well, a couple of elements of substance. As you would know, we've put together a link between council and the ODP to -- as is mentioned in the questions, to review the potential policy related elements that may be identified during the ODP.

And, and the questions were taken back by the liaison and addressed by council, I think I've mentioned that the last time we met, but I also mentioned last time that all of this is fully transparent. Not only to the GNSO community but also to the community as a whole.

I would, I would say that you and the community has just as much information as council does. The list is public. The feedback we provide is also public. I appreciate that given the remit of council, it is our role to provide that feedback. That's one thing, but as to the transparency itself, and mindful of sometimes the difficulty of finding our way through the wiki space etcetera, leaving that aside, which is an issue in and of itself -- the information is available.

I think that's one important point. This being said I would like to hand over to you Jeff if you would like to address the more substantial elements of the question.

JEFF NEUMAN: Yeah, thanks. This is Jeff Neuman and I think, Philippe, you made probably the main point of what I was going to say. And I did provide a link in the chat to the page that has the -- all of the information that has been given to the -- to me as the liaison for the ODP, as well as to the council.

And you'll see on that page not only general information about the ODP itself. But you'll see a time-line which was revised after the last ICANN meeting to account for some additional time being spent on the WHOIS disclosure system, and -- sorry I'm going to take my mask off.

And then also there are a number of documents on that site, including an update from ICANN org from the ODP team on the progress they're making towards that final milestone, which like the SSAD ODP will be the delivery of an Operational Design Assessment in December, but also what I've found very interesting, and I'm not sure how many people have read it, but it's very detailed. ICANN has posted the assumptions that org is making when it's building its business model, if you will, to -- for the ODA.

So… in the SSAD ODA it wasn't until we got the final report that we knew the assumptions that ICANN was making, but here, it's been available -- I'm not sure how many people like I said have read it, but we've known the assumptions that ICANN has been making and is continuing to make as it goes forward to develop its final Operational Design Assessment in December.

The only other, I guess element of the ODA is that I have a -- as the liaison I have a monthly meeting with ICANN's operational design team, which basically consists of Karen Lentz and her excellent team. I mean they were really working hard on this and it's a great team of people. They also depend on a lot of others within the organization to give them information so it's not completely within their control as to when this gets done but it really is from what I understand, a complete ICANN staff effort.

So… the -- in these monthly calls they will give me a little bit of insight into the questions that they may ask that eventually did get asked, and they would you know -- give me an update as to what I could give the council. And so, I would take my notes from that, and send that to the council, and usually within a couple of days, there's also a community status report, which states pretty much what I've already summarized, and maybe some additional information.

I think ICANN org has taken a number of steps to ensure that the GNSO itself was not given more information than the community is being given? And there was -- I would say there is a lot of great care to make sure that they're not putting the GNSO in any kind of special favor, or position. So, I think, as Philippe said, it's -- you have seen or could have seen all of the information that we -- or that the council has seen, and you can submit comments to the mailing list on that page, and all of the, all of the e-mails are public, so we could see what's being sent back and forth.

So, if you've not seen that page, I strongly encourage you to go to that, and there's really some great information there. And, since this is just the second ODP, I believe they've already learned some lessons from the first one, including publishing the assumptions as they're going along, which I think is one -- a great improvement, but I know that the GNSO will undertake a review after the second ODP is completed, on both the SSAD ODP and the SubPro ODP.

So… I think -- I don't know if anyone from the council wants to add anything, or any questions? Happy to answer them.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Philippe, and Jeff. Any follow up on this topic? Seeing none I think -- Philippe, please go ahead.

PHILIPPE FOUQUART: Thank you, Manal. It's not really a follow-up, but in the very last part of the question there's a reference to ODPs in general, and for full transparency this time because we just talked about this this morning, and we will be talking about this with our ALAC colleagues, I believe it's on Wednesday, that there are indeed questions or discussions as to whether not only the relationship between council and the ODP team but the ODP.

In general, the process can be optimized. I don't think there's any question that the work double negative -- I'm sorry -- from council's perspective it's fair to say that the work is necessary but there are questions as to whether we could make it more efficient in terms of timing, and also questions on the workload for org.

I think these are the two elements that we've discussed this morning for example that may be -- that may require some thinking moving forward. Hopefully that is helpful -- but again on the broader context of the ODPs and the review of the pilot. Thank you, Manal.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Philippe. Very helpful indeed. And good to know where the thinking is going, and definitely there is always room for enhancement.

So, I think we will go to move on while still on the subsequent rounds of new gTLDs, this time on closed generics, and the GAC looks forward to a fruitful and constructive dialogue of course with the GNSO, and the ALAC on this matter.

But we are also asking does the GNSO Council have any initial reactions to the recently shared problem statement and briefing paper, which was circulated very recently before our meeting here? Have you had the chance to discuss?

PHILIPPE FOUQUART: Thank you, Manal. On the process itself, as you would remember, since we received that letter from the Board, we put together a small team to review it as well as — well, for the small team to spell out the nature of the engagement of the GNSO into that dialogue, and as well as how the slate of numbers for that team could be organized. So, we're in the process of -- so I think I've talked about that last time. At this point we are in the process of selecting members, we are almost there.

And I believe the -- the team should meet later this week informally without discussing substance. In all fairness, there are, I understand that -- there are those questions are essentially on substance. To the framing paper, and the assumptions the starting points of that dialogue, this was endorsed by council, the small team and council eventually.

As well as the briefing paper which was developed by staff. But on the – so those are more on the phrasing of the questions, not so much on the answers. So the answers would be provided by the team that will take part in the dialogue. I will repeat that from the GNSO's standpoint, we have insisted that the members be committed to finding a compromise, a happy medium between the extremes. I think that's an important point, and hopefully all members have been briefed to that end. But on the, the end product of this -- of this team, council hasn't discussed that, and obviously we are looking forward to that dialogue, but that's pretty much all I can offer at this point.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Philippe. This is very helpful, and also by way of background, we have just concluded our subsequent procedures discussion, and we have allocated quite some time for closed generics and had an interesting dialogue, and Jeff was with us as always, as the GNSO liaison to the GAC, and we also

discussed the importance of committing to finding mutually agreed way forward and a compromise.

We have already identified the six members from the GAC, being the topic leads from Canada and Switzerland, and also U.K. expressed interest, Nigeria expressed interest, Australia, and myself as a GAC chair.

So, looking forward to the discussion, and again, we have committed to be briefing GAC colleagues promptly, and without any delay to the process of course, and we are preparing for an internal GAC discussion so that we are guided by views of GAC colleagues or input from GAC colleagues so that we are very ready to start whenever the time comes.

So, seeing no requests for the floor, I think we are good to move to the GNSO guidance process, and the GAC notes with great interest the recent approval of the initiation of a GNSO guidance process on applicant support and endorses the goal of establishing an effective applicant support on outreach program which would contribute to increasing new gTLDs from developing and underserved regions.

Per the council's 1st of September invitation the GAC will likely provide an appointee to the effort and observers to the process.

Could you elaborate on the guidance process, goals, time-line and how interested stakeholders, including from the GAC, and public authorities in general, can otherwise engage in the process?

PHILIPPE FOUQUART: Thank you, Manal. And at this point I would like to speak in French if you don't mind. That would be a pleasure. We don't have that opportunity of speaking our own native tongue on occasions. We certainly don't at the GNSO. (Interpreter) Philippe speaking. Thank you, Manal. As far as the GGP is concerned, and the way it was established the council reviewed the conclusions of the SubPro final report, and if you recall, there were a number of points indicated there because further work needed to be done regarding policies.

This set of points had to do with support and with some additional elements that would require further work with regards to policies. The council established a steering group in order to organize a number of tasks to fulfill this objective. These were not limited necessarily to support but included support. And after discussions within the council, and after the latest briefing, we had the council agreed on the need to set up a simple structure initially, and then to establish some simplified parameters for the GGP.

So, the GGP will only take care of issues identified in the SubPro final report. Therefore, in order to answer your question, the goals of the GGP are quite clear these are objectives that are taken directly from the SubPro final report.

And the team in charge ever the GGP will have the possibility of resorting to external experts. So, we are currently at the stage, as you know, we made a call for participants a few weeks ago. I think that the deadline will be September the 25th or the 26th. And the GAC was also invited to take part in this process. Since we are thinking about making contributions to this group, and participants are invited to make contributions, from the point of view of procedures, I don't think that external contributions will be included, at least that is not what we envisaged when the GGP was set up.

This is what I can tell you right now at this point.

Regarding the time-line for the GGP, we have tried to give the team some flexibility so that they can set up the appropriate time-line depending on the tasks that they need to undertake but we have also drawn the team's attention to the fact that this time-line should not be in conflict with the considerations that the Board needs to make regarding the SubPro final report.

In summary, there shouldn't be any delays in the process. I hope this has answered at least partly your questions and I would like to ask the colleauges who are part of the GGP, if they want to make any additional comments.

MANAL ISMAIL, GAC CHAIR: Any follow-up from GAC colleagues or anyone? Seeing none and mindful of the time again thanking you, Philippe, and I think we can move on, and also thanks from Switzerland from Jorge in the chat.

So, on DNS abuse, can the GNSO Council update the GAC on the progress and expected outcome of the GNSO small team on DNS abuse? And can the GNSO Council provide an overview of their assessment of the current state of DNS Abuse Mitigation and opportunities moving forward to improve the DNS Abuse Mitigation?

PHILIPPE FOUQUART: Thank you, Manal. I will just for this – this is Philippe here -- hand over to Mark as co-chair and Paul as co-chair of the small team to give you an update on the ongoing work and the soon to be published results of the small team. Thank you.

MARK DATYSGELD: Thank you very much, chairwoman. This is Mark Datysgeld speaking. Good afternoon to all GAC representatives, GNSO colleauges. We will provide a very brief update, considering we have reached the final outcome of our work during this meeting I would like to congratulate our team. They performed stellar work. This was a six-month project which actually yielded results that are I would say are quite impressive so a big thank you to the entire team for working so hard on this.

And I would like to reinforce one thing. The report is ready, but it goes to consideration of the entire GNSO Council, therefore, whatever I speak here, is what the small team intends to accomplish, but this has to be properly analyzed and vetoed by our colleagues within the GNSO Council.

With that said, we do have several points to share with you. And as some of you might remember, we were tasked to understand if there were any policy decisions that needed to be attached to the mitigation of DNS abuse, the conclusion we reached was yes, but also, there are other potential avenues that can be explored for us to achieve something that is -- we believe the entire community wants, which is for us to be able to tackle the DNS abuse more effectively.

The way we went about doing this was reach out to all of you including the GAC and trying to understand what were your impressions on the theme of DNS abuse and our focus was on finding the commonalities. So, the points where we diverge, they are relatively small in comparison to the points where we converge. And this came out very clearly in the desire of the entire multistakeholder community to act upon this.

Not a single respondent said we do not want further action on this. So, this empowered us to really explore the subject and try to understand what we as a community can do and we have some suggestions that I will guide you through very quickly.

We suggest that DNS abuse actually has a lifecycle, and this lifecycle is quite -- it's a suggestion from us but it starts in phase zero let's call it. Which is when it is still yet to happen, and we can act upon it preemptively.

This is the point in which we can actually do the best job possible, which is not allowing anything to even happen, right? This would be the ideal point for mitigation to take place. Then we have Phase 1, which is ensuring that the harmed parties know how and who to report any abuse. So, this might seem trivial but it's not. The feedback we got in our discussions with ICANN compliance and the conversations we carried out with the community points

towards the fact that we are not doing enough of a job of pointing people towards the correct direction for DNS abuse reporting.

Many reports end up being incomplete, hard to address, or otherwise being sent to the wrong actors. This is not something that can be addressed without us actually moving towards some actionable items. We need to discuss with our communities. We need it bring the subject to the table do outreach beyond ICANN to address this.

We have Phase 2, where the report is actually sent to the right party, it arrives correctly, and action needs to be taken. By whom? Probably we are talking about the registrars here. It might be another actor but let's assume the registrar. This is where any potential contractual obligations would come into place. We have Phase 3. The position party takes action and phase 4 is if nothing works, [this ascends to] ICANN compliance.

This is something that was not clear when we started it work which is why I want to stress this to the community. The role of ICANN compliance as it sees its role and as it understands its role and as the institution understand it is to be the last link of the chain, not the first. Not in the middle. So theoretically we are supposed to address it in several different steps before it gets escalated to compliance.

And then, they are the party who would ultimately try to address this. So, by identifying the cycle and understanding it, this allowed us to actually consider what are the viable paths to work with the system, how do we actually act upon it? So, we came up with a few suggestions.

The -- one -- only one of them ended up in the policy realm, and we will take this for the consideration of our GNSO Council colleagues and the GNSO community, which is if you recall phase zero, it is before the incident happens. We believe that malicious registrations play a very significant role in the harm that is caused.

And, in the interest of not having a PDP that will attempt to solve every issue in the planet. In the interest of focusing our work on generating public good we would like to propose the PDP is focused on malicious registrations where it is 100% our realm of action. It is the responsibility ever the ICANN community. It relates directly to domain name registration. There's no ambiguity there. It is our responsibility, and if we manage to get a good set of rules there through a PDP, we could potentially advance our position towards mitigation. We believe that this is a firm possibility.

Our second point is that referring again to phase one, Phase 2, we need to start doing more outreach, and this doesn't include only the members of our community. We need to work together to reach for me, I'm a member of the BC. I need to do better work reaching my clients. For the government's presence here we need to start working towards reaching towards our national authorities. Towards our CERTS. We need to explain to people because one thing that became very, very clear is that this is not coming through even to industry actors.

We informally talk to hosts providers. We informally talk to actors that are part of the ecosystem and they do not have a clear understanding of what DNS abuse is. Therefore, if these actors are not all of them all well equipped for this. Never mind actors who are not part of our ecosystem. We need to start thinking about this in a serious and systemic manner. This is our second recommendation.

And finally, our third recommendation is one that I would like to stress the word recommendation as much as I can so I will repeat it. A recommendation that contracted parties have a look -- a very specific sections of their contracts. Which relate to DNS abuse, and currently have loose language attached to them that we feel could be improved.

So, for example, we are referring to particularly where it says that reasonable action must be taken, against DNS abuse. What is reasonable? Apparently, as a community, we agree that whatever current interpretation of reasonable is, is not enough. This came clearly from the outreach, and therefore, our suggestion is, would the contracted parties have a look together with ICANN, see the contracts and see if they can find some, better wording that is -- provides us more security than reasonable, than prompt. A little more contractual clarity would go a long way towards helping us fight and make sure the other recommendations are enforced.

So, our next step in this sense, as we bring this to the council, we will engage with our GNSO Council colleagues, and we will draft what we think is a letter addressed to the contracted parties, and initiate this recommendation, which they of course, are not obliged or binded by any circumstance to follow. It is literally our impression of how we could make the situation better, so with these points we hope that we can provide what we set out to accomplish, which is narrow tightly scoped objective paths for the community to follow to address this problem. And again, I would like to congratulate the team very much. We would not have gotten it this quick without them definitely.

And for the entire community for providing us input. Mindful of time I will cut myself short and see if there is time for Q and A. Otherwise, we are very available to answer questions.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Mark, and it's very thorough and clear. Mindful of time as well I don't think we have time for Q and A especially if we went to cover the very last topic if we can go to the following slide on registration data accuracy, and allow me quickly to rephrase the questions just an update, to the time-line for consideration of scoping team's recommendation, the type of audits you expect may be available to measure accuracy, and whether they would require access to registration data, and if yes, what types of access, and finally the scoping team's use of commissioned studies and whether it would extend to the use of third parties in developing surveys.

So… any quick reactions to this? We are already at the time.

PHILIPPE FOUQUART: Yeah, we are running out of time but Olga, our liaison will cover that as much as we can given the time. Olga.

OLGA CAVALLI: Thank you, Philippe and Manal.

Good afternoon, GAC colleauges. I'm Olga Cavalli and I will give a brief update and answer to the questions in my role of liaison from the GNSO to the registration data accuracy scoping team. So the Council will commence its consideration of the write-up for assignment one and two and recommendations for next steps during the next meeting next Wednesday, so we will discuss also next steps to identify a new chair as Michael Palage has stepped down and new liaison as I also will step down from the GNSO at the end of this meeting. And about the question, can the GNSO Council provide an overview of types of audits.

The council does not have any view on this, at this point. As it has not commenced as I just said its review of the write up and its recommendations but understand that a possible registrar audit is something that the scoping team would like to further consider and come back to the council on these possible recommendations.

And about the last question, can the GNSO Council elaborate on the scoping team's use of commissioned studies, and whether this would extend to the use of third parties that could aid in development of surveys, designed to measure accuracy. The council does have any view on this at this point. As I said it has

not commenced the review of the write up. And recommendations as just mentioned.

Maybe if the GAC could provide some details on what it is specifically referring to when mentioning commissioned studies and whether this would extend to the use of third parties that clarification would be very useful and that's all from my side. And thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Olga, and we will surely consider to elaborate more, and discussion to be continued of course. Any final words, Philippe.

PHILIPPE FOUQUART: Yes, thank you, Manal. Just a follow-up on what Olga just said. This is the end of phase 1. I think moving forward, the next council will also have to consider how efficiently the small team worked and the nature of the contributions for Phase 2, and whether the expectation that that was put to the phase one is acceptable say for Phase 2 given the -- that level of contributions. It seems that those were not at the level of what was expected at the beginning.

Turn out to calls were say average to put it mildly on occasions so I think this is the -- this will have to be weighed at some point

including on the relevance of Phase 2 for the next council, so I just went to put that caveat in for the next step. So, with this, thanks again, Manal.

MANAL ISMAIL, GAC CHAIR: Thank you very much, everyone.

This concludes our bilateral with the GNSO, and to GAC colleagues we will be reconvening tomorrow at 9:00 Kuala Lumpur time, 01:00 UTC to start discussing WHOIS and data protection and accuracy. So, thank you very much everyone.

[END OF TRANSCRIPTION]