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ICANN69 | Virtual Annual General - GAC WS2 Accountability and GAC PSWG Update  
Tuesday, October 20, 2020 - 12:30 to 14:00 CEST

GULTEN TEPE:

We will not be doing a roll call today. Attendance will be noted in the minutes. Good morning, good afternoon and good evening. Welcome to ICANN69 – GAC Work stream 2 Accountability on Subsequent Rounds, scheduled on Tuesday, 20th of October at 10:30 UTC. Recognizing that these are public sessions and other members of the ICANN community may be in attendance, the GAC leadership and support staff encourage all of you who are GAC representatives and delegates to type your name and affiliation in the participation chat pod to keep accurate attendance records as well as for comments and questions to be read aloud.

The zoom room is equipped with a chat feature, at the bottom of your Zoom window on the right. If you would like to ask a question or make a comment please type it in the chat by starting and ending your sentence with a <QUESTION> or <COMMENT> as noted in the chat. I will put occasional reminders of this request in the chat throughout the session. Interpretation for GAC sessions will include all 6 UN languages and Portuguese and will be conducted using both Zoom and the remote simultaneous interpretation platform operated by Congress

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Rental Network. If you haven't already done so, we encourage you to download the Congress Rental Network App, following instructions in the zoom chat or from the meeting details document available on the GAC Agenda website page. If you wish to speak, please raise your hand in the Zoom room and once the session facilitators, myself or Julia, calls upon your name, please unmute yourself and take the floor. Remember to state your name for the record and the language you will speak, if speaking a language other than English. Please also speak clearly and at a reasonable pace to allow for accurate interpretation. When speaking, make sure to mute all other devices including the CRN application.

Finally, this session, like all other ICANN activities, is governed by the ICANN Expected Standards of Behavior. In the case of disruption during the session, our technical support team will have to mute all participants. This session is being recorded and both recording and transcript will be available on the ICANN69 Meetings page. It is now my pleasure to hand the floor to the GAC chair, Manal Ismail. Manal, over to you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Gulden, and welcome back everyone. We now have a 90 minute session split between Work Stream 2 accountability and GAC public safety working group update, 45

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minutes each. We will start with the Work Stream 2 accountability, and during this first half of the session we will review progress on the implementation planning efforts since ICANN68, including development of the GAC's operational implementation tracking tool, explore potential implementation, next steps and discuss efforts toward implementation of the ICANN human rights core value. This session is short so without further ado, allow me to hand it over to co-chairs of the GAC human rights and international law working group, Lina representing Lithuania, and Suada Bosnia and Herzegovina. Both of which will be leading the session. So I stop here and stand the floor to you both. Who will be starting?

SUADA HADZOVIC:

Good morning, good afternoon, and good evening. My name is Suada, representative of Bosnia and Herzegovina and also international human rights international law co-chair and I thank you all for coming to this session. We will discuss the Work Stream 2 accountability from GAC perspective, and we have two topics for this session. First an update on actions since ICANN68, and we will discuss implementation options.

We are looking forward to an interesting discussion. And I think we could go into the first item of the agenda, this will be the next slide please. So on this slide we extract some part from the GAC

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communiqué and in Work Stream 2 from June 2020, and as you may remember from the ICANN68 meeting following the presentation made by the cross community working party on human [refer to slide] the GAC asked the human rights international law co-chairs on developing an implementation tool for tracking substantial areas of the GAC' Work Stream 2 implementation work while at the same time considering how GAC would contribute to this effort. In order to illustrate the latest work in this area, a Google spreadsheet document was developed for your review and feedback. Many thanks to our ICANN GAC support staff, Julia and Robert, for their hard work. We have already shared the GAC tool with human rights international law working group, and now I would like to give the floor to Julia Charvolen to present you the GAC tracking tool.

JULIA CHARVOLEN:

Thank you very much, Suada, and hello everyone. My name is Julia Charvolen, and I have been working with the human rights international law working group co-chairs and Rob from support staff on developing the GAC tracking tool. I will be sharing my screen a little later. As Suada was saying, the cross community working party on human rights introduced their human rights impact assessment tool which is aimed at (distorted audio) and additionally the GAC supported the GAC human rights working

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group co-chairs to initiate the work on developing a tool for tracking substantial areas of the GAC's venture Work Stream 2 implementation work.

So the GAC tool is a document [indiscernible] not only among the human rights (distorted audio) but brought a level within the GAC as mentioned --

GULTEN TEPE: Julia, so sorry to interrupt, but your line is breaking and our operator is calling you right now while you are sharing your screen.

JULIA CHARVOLEN: Okay. Thank you very much.

GULTEN TEPE: In the meantime, would you like resume displaying the slides or would you be going through the tool, Julia?

JULIA CHARVOLEN: Can you hear me?

GULTEN TEPE: Yes, loud and clear. Thank you, Julia.

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JULIA CHARVOLEN: Okay. Sorry for this situation. I'm sorry if you missed the introduction that I am kind of repeating a little bit. What I was saying about the working party on the human rights impact assessment tool. I will be sharing my screen right now and we will go right to the tool. And I hope you can all see my screen. Gulten, would you mind confirming?

GULTEN TEPE: Yes, we can see the tracking tool. Thank you.

JULIA CHARVOLEN: Okay, thank you very much. So the purpose of this document is really to list all the Work Stream 2 recommendations of GAC importance and to track their eventual consideration and implementation. The GAC inventory of recommendations was produced in a staff document that was shared to GAC prior to ICANN67 and presented at ICANN68, and I will provide the link in chat in a moment.

If you take a closer look at the tool, recommendations in columns A and B entitled Work Stream 2 final report recommendations are the substantial areas of GAC interest I just referred to. Column C and [indiscernible] correspond to the text from the work stream implementation assessment report that the board directed ICANN org to prepare in advance of the

board's final consideration of the Work Stream 2 final report. The report includes implementation considerations for ICANN org, the board, and the community. And these considerations have been added to this tool for GAC's attention when working on a certain recommendation.

Then if we move to the more GAC focused part of the tool would be assessment and implementation, we can see that in column A this concerns the relevance the recommendations have for the GAC followed by the GAC rationale for implementation in column F which should give a brief estimate or how it impacts the GAC then in column G after there has been a GAC assessment and a rationale for the recommendation comes the level of implementation or in order the level of effort needed from the assigned or volunteer contributors noted in column H. And whether the degree of implementation achieved is high, medium or low.

Please note the list of contributors will be discussed in more detail in today's session but the body in column H will be responsible for E and F, there needs to be a level of granularity and detail when comes to the GAC's involvement implementing the recommendations, and otherwise there are high chances for [indiscernible] on outcomes because they have been assigned to the GAC as a whole and not a specific working group or

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[indiscernible] focus group but either way this needs further discussion and time for consideration.

Last but not least, for accountability purposes, the tool includes a reference to the status of implementation [indiscernible] and whether it is complete, pending, in progress, or simply not applicable. Which in this case could probably be because the GAC rationale for implementation doesn't apply.

As you may have seen on the tool, there is a second tab entitled GAC tool guidance, and the purpose here is to provide an explanation for each column. To date the tool has been sent to the GAC human rights and international law working group members prior to this session for preliminary review and feedback, and the feedback received so far has mostly been on indicating the expected time for completion on with the status of implementation in column I. Third tab on the implementation part of the tool, snapshot of the exercise and [indiscernible] the aim to is to begin populating with information following discussion.

Sorry for the little glitch there earlier, and I would like to hand it over to the working group co-chairs for the session, but happy to answer questions. Thank you very much.



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SUADA HADZOVIC:

Thank you Julia so much, and we will appreciate if the GAC members will be able to look at the GAC tracking tool and give us feedback, and thanks to those who have already done so for human rights international law working group. On this slide we have some documents, some reports, just to point that we have everything and we just need now volunteers. Just to remind all of us that it's almost one year that the ICANN board approved the Work Stream 2 recommendations, actually on November 2019, and we have 116 recommendations on aspects from diversity to transparency, and it will take several years to complete implementation of all of these recommendations. It is written in Work Stream 2 final report, and we need to know that implementation of all of these recommendations will be funded out of ICANN's annual budget -- and our hardworking staff has closely reviewed the report and [indiscernible] final recommendations [indiscernible].

On this slide we have some assessment which are very important from human rights international law working group, and in these rights, assessments, we have very well explained the methodology of the work so we can use all of them. But I would like to stress the one part from second report where it is stressed that in this instance that there are too few volunteers and insufficient interest within the ICANN community to continue this work, the Work Stream 2 implementation team

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may consider approaching human rights practitioners or qualified non-governmental organizations to undertake development and incorporation of further models.

So it is up to us, to our interest with which to volunteer. I would like to stress this cross community working party on ICANN and human rights session on 13th October. It would be good to have a [indiscernible] education on the impact of human rights at ICANN. Maybe could initiate some capacity building on human rights, that would be helpful for us. And we have another very useful document enhancing the effectiveness of ICANN's multi-stakeholder model, the recommendation is Work Stream 2 also. And we can use all of these documents. And we have other reports about age diversity, about gender diversity which can help us, but we actually need now volunteers. So this is about these options. Should we have case by case consideration of all recommendations by GAC leadership? Maybe it's too much for them. They are already overloaded. Or we have this assessment and advice of government recommendations [indiscernible] and this is only some options and not limited. So it is all up to us and we really need to have volunteers for this work. Thank you very much, and I would like to leave the floor to Lina Rainiene, co-chair of human rights working group. So Lina, go ahead please.

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LINA RAINIENE:

Thank you, Suada. To everyone, I would like to switch to the next slide. So [indiscernible] already described and presented by Julia and Suada. So basically we have [indiscernible] final involvement and the tool which is the working document and regarding the future steps (audio breaking up) we will follow points we find in the previous ICANN68. Next slide please.

At the beginning [indiscernible] first glance embedded in the tools, some major principles. We should state that in the capacity [indiscernible] area of activities of the GAC as relates to the government [indiscernible] international governmental organizations [indiscernible] as already embedded in the principle one of the GAC operational principles. So we have to bear in mind the discretion of the governments and organizations to select and delegate their [indiscernible] Work Stream 2 recommendations in the capacity of the GAC, specifically referring to the recommendations on the diverse (audio breaking up) there are already particular aspects covered by the GAC operational principles such as reflecting on the geographical diversity and seeking the diversity of the leadership in selecting the leaders. Also we [indiscernible] a role for the underserved regions of the GAC because they are involved in developing and capacity building, the least developed [indiscernible] (audio breaking up).

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**GULTEN TEPE:** Lina, this is Gulden. Before we move on to the next slide, on private chat I shared your phone number. Could you please confirm that so our operator can dial out to you? Because we're receiving some complaints regarding bad audio.

**LINA RAINIENE:** Okay. You can confirm that operator. Should I wait until I get a call?

**GULTEN TEPE:** Yes, please, I would only ask for 30 seconds. Thank you, Lina. I see Lina is joining the audio. Welcome back, Lina.

**LINA RAINIENE:** Great. Thank you, Gulden. Could you confirm that you can hear me?

**GULTEN TEPE:** Yes, I can hear you but there is an echo.

**LINA RAINIENE:** It should be already gone. I switched off my speakers. Now it's better?

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GULTEN TEPE: Yes, thank you.

LINA RAINIENE: Great. Thank you. So proceeding to the existing recommendations and the block of actions under the defining and promoting diversity in the area of operations of the GAC and taking into account the level of capacities and planned engagement, so we assume it is possible to plan and [indiscernible] subsequent steps quite clearly and review the manner in timely manner -- for this block the process can be shaped quite clearly. And first of all, we will need to agree on key elements that would be further elaborated given the specific status of the GAC membership and taking into account protection of personal data. So namely we will discuss and define which of seven elements listed in the recommendations like geographical and region representation, language, gender, age, physical disabilities, skills, and [indiscernible] so should be defined because the list of the elements then should be followed with further evaluation and then it can be developed and mandating them by the GAC procedures, deciding whether the GAC procedure could be elaborated after performing some preagreed analysis to get the final results and obtaining and monitoring and updating of the data which could be public.

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So as you might see on the slides, basically there are groups of recommendations of defining the key elements and then planning assessment steps and performing the assessment. The GAC is rather limited in the freedom to describe the composition of the group as a community itself, but the reflection of the composition could be done and this can be discussed and planned within the GAC. So as it is already indicated in the tool and looking in the blocks of recommendations, the second major block referring to the human rights and international law working group capacity reallocated to that group is the frame -- recommendations on the framework of interpretation of the human rights so ensuring the human rights core values. And here we see actions which cover far beyond the operational activities and as it was mentioned earlier today in the previous sessions as well, this is very complex process and it is hardly possible to foresee precise future steps and reflect those steps in the time frame.

So GAC human rights and international law working group, we see this is the most challenging process which will be involved in given capacities that we have and currently in the tool there are indicated certain recommendations which require a higher level of involvement. Some of them are not directly affecting the GAC and some of them require low level of involvement. So if we would skip to the next slide which also reflects the contents of

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the tool. So as mentioned before, we received some comments on the adjustments of the color coding to understand the precise recommendations. So in gray you can see the recommendations which for example initially indicated is not directly applicable. And the other types are to be considered and discussed within the GAC.

So if we could go to the next slide. So alongside with discussing the enhancement of policy development processes and meeting the recommendations, [indiscernible] so here we see room for future discussions and deciding among the GAC working groups, members and leadership on possibility and added value of introducing some measures within the GAC process. Although given that the human rights core values should be taken in account in all multi-stakeholder mode [indiscernible] and it should be a balanced and consistent approach, it is important from one hand in the activities of the GAC and on the other hand in considering the advices given by the GAC. So therefore we see that for this future steps it is important to follow the tracks being discussed in the community and as we see there are not so far shaped proposals or independent policy processes which should be prioritized and analyzed accordingly. So therefore in parallel while discussing whether GAC can adjust or implement certain aspects within GAC procedures, simultaneously we should participate and follow the discussions within the community.

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And here we see unavoidable interaction of the human rights and international law with other GAC Working Groups which are already preindicated in the tool or maybe we will make adjustment in the future if there will be proposals concerning improvement or elaboration on operational principles for example of other [indiscernible] of the underserved regions working group, and of course we as GAC international law working group co-chairs, Suada and me namely, we will be engaging further with the cross community working party on ICANN and human rights, and I would also like again to repeat and here let me conclude by inviting you to visit the link to the tool to provide which was provided by support staff and calling for volunteering your time for taking part in implementation efforts. So thank you for your attention, and looking forward to questions of the discussions.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Suada and Lina, for this informative presentation. I can see a question in the chat from Finn from Denmark. It is addressed to ICANN staff, saying I have understood that ICANN org will provide regular implementation status reports on the Work Stream 2 recommendations and the first of these reports are anticipated to be published in the third quarter of calendar year 2020, and asking where to find this



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report. Do we have an answer to this or can you please check and let the GAC know later if we don't have a ready answer? Meanwhile, if there are any questions or comments... so let me reiterate what Suada and Lina asked for. So all GAC members are invited to test the tool and provide feedback, please. And also they are seeking volunteers to contribute to Work Stream 2 recommendations, the implementation efforts that impact GAC operations, and also volunteers to work with them on building an implementation tool on substantial areas of GAC concern. So please take the time to test the tool and please feel free to contact the co-chairs of the human rights and international law working group volunteering to help with this important effort.

If there are no comments or no requests for the floor... I think we can conclude this part of the session. Again, thanking very much Lina, Suada, and Julia for this informative presentation. This concluded our discussion on Work Stream 2 accountability, but please stay in the Zoom room so that we can proceed with the second part which is an update from the public safety working group which is due to start in nine minutes. So please, if you leave, be back on time and this part of the session is now adjourned. Thank you.

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**GAC PSWG Update**

LAUREEN KAPIN:

(Please stand by). ... a very dedicated group of law enforcement and consumer protection folks who were engaged in advocacy efforts, and the Public Safety Working Group was the formalized medium that this group evolved into in 2015 but certainly the efforts preceded 2015. But if you would like to see our terms of reference link available to you and we are going to do a high-level overview of our most recent Work Plan which was endorsed in March. None of this will be a surprise to you. We're focused on developing ways to mitigate. Prevent, deter, reduce DNS abuse and cybercrime, and in this engagement we really work with the ICANN community and ICANN as an organization to figure out the ways where we can make an improvement, and I'll give a little shout out and kudos to Christopher Lewis-Evans my colleague who participated just a short time ago on a very constructive and informative cross-community session on DNS abuse, and I think one of the big things emphasized was the need to work together with the different players in the system to make things better rather than engaging in a lot of debate about whether DNS abuse is going up or going down because as you might anticipate that depends on what statistics you're looking at, and who is doing the measuring. But I don't think there's any

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dispute, and indeed, our recent but new departed colleague Ashley Heineman focussed on a message to the effect instead of arguing about the statistics we now we all agree that DNS abuse and cybercrime are negatives and let's try and work together to figure out a way that each player in this system can address the issue. So that's one big component of our Work Plan. In addition as you know we've been working with the GAC on domain name registration directory services issues. That's been a really focussed and rather gruelling effort particularly by the GAC PDP small group to come up with recommendations that will lay the ground work for a compliant successor to WHOIS. And we will have an entire session on domain name directory services later today but that remains an important part of our Work Plan so that whatever system is in place it's going to meet the needs of those tasked with protecting the public. And then finally, internally we always have as part of our Work Plan a focus on how we can remain effective and consistent in meeting the needs of the GAC and public safety agencies and the public interest at large. And in that regard we're always focussed on ways we can recruit folks to keep a lot of the work we do going, and not just on the shoulders of a few, and also we engage regularly with other stakeholder groups. In fact, we're -- for this meeting we've already engaged in sessions with ICANN org, the office of the chief technical officer, those are the folks that bring you the DNS abuse reporting, and ICANN compliance. Registry

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stakeholders. Registrar stakeholders. SSAC ICDC, ALAC we've already had engagement meetings with all those groups and we also co-ordinate with them. Next slide please I think you skipped a slide. There we go. Chris I'm going to turn this slide over to you.

CHRIS LEWIS-EVANS:

Thank you. And hello everyone. Christopher Lewis-Evans for the records. So, as Laureen mentioned we've already had a number of engagements and one of those is the PSWG meeting which a number of colleagues joined. It was quite a good meeting and we welcomed back some participants from Canada we haven't seen for sometime so it was good to see them again and share operational experience they've been having. As always we would call for GAC colleagues on here to consider encouraging their public safety agencies, whether criminal or civil, and consuming protection agencies not for getting that's Laureen's side of the house, to join those calls and there's some really good operational experience that's shared and you know we try and brief on what are the upcoming policy concerns and how that will effect each agency's operational impact and being able to protect the public so it's some really good work and some good information sharing that goes on so just a quick call for any other countries that would like to be involved to reach out to us,

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and we can describe those sort of commitments needed, and touching on that commitment we would always welcome further commitment from PSWG members or new volunteers. As was mentioned in the GAC session earlier. The amount of work on going at the moment is quite high and it does create a work burden for us that's members of the PSWG so anything we can do to help with that is obviously always greatly appreciated. With that the next slide.

LAUREEN KAPIN:

So in keeping with our increasing work load, we have a need for an additional Public Safety Working Group co-chair, and, and that person that we've nominated is Christopher Lewis-Evans, who you've just heard from, and indeed, has been consistently engaged in many leadership efforts over the past few years and in that regard adding him will help the PSWG continue to be effective in engaging with our stakeholder ares and conducting its work. And as a side I want to say that Chris, de facto has been performing a leadership role already so this nomination in a certain sense formalizes what has actually already been taking place. And we have as a working group run from time to time with 3 co-chair positions and also other GAC working groups have 3 co-chair positions as well. There is criteria for this selection. And things that we like to emphasize are an active

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and sustained contribution to the GAC, thing Public Safety Working Group and ICANN but in particular the Public Safety Working Group because we have a dedicated role in certain work efforts that we continue to engage with, some of these issues require special executive per his and we rely on that expertise for our work. The last bullet is the ability to devote substantial time and effort to the work and although it's challenging for all of us with our day jobs especially as certain aspects of our work surged in lights of the COVID-19 challenges and the creativity of the bad actors that like to exploit such crisis, indeed Chris has nevertheless been able to devote substantial amounts of his time, I can personal attest that at times it's at all hours to the PSWG's work and you'll see some of Chris's achievements in the last section below -- he's helped us advance our agenda, he reaches out to stakeholders in a way that is approachable. Respectful and knowledgeable. He has done rigorous and gruelling work as a member of the EPDP GAC small group. He's contributed very recently to the SX working group and DNS abuse and we had sort of a preview of that good work and the DNS community session, and he's represented the public safety working group in many other sessions so we are very happy to announce his nomination for co-chair and indeed we announce this to the Public Safety Working Group, and all the comments we received back have been genuine affirmation of support for Chris in this new role. And I'm also seeing support in the chat,

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which is terrific. Next slide. And Chris, I'm going to turn it back over to you.

CHRIS LEWIS-EVANS:

Thank you. Very much Laureen for those kind words, and yes, I'll look forward to spending more time on the issues such as the EPDP. So, as Laureen mentioned at the start we've had lots of engagement with stakeholders, and we just want to share with you some of the -- those outcomes specifically related to the access to gTLD registration data. So within the EPDP Phase 2 it's been quite a few doubts across all the different stakeholders, and many of those have sort of focussed around the cost plus benefits, and I think most people here will remember the minority statement the GAC got out, and you know that highlighted some of our concerns with that. But it's good to see that that was shared but some of the other ACs and stakeholder groups within the GNSO. There was flagged some concerns around the recommendations that were put forward to the ICANN Board by the GNSO, and the consensus designations of those to some of the recommendations put forward to receive consensus however were still put forward. This is I this I flagged by ALAC and they raised that with us in the last meeting around our questions around that, and I think that was raised. This morning or earlier today, and the ICANN Board I think Chris

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Disspain gave an answer which I would like to go through the transcript again before -- to digest that properly. We still have concerns around the accuracy of the registration data that those have been quite widely supported by BC and the IPC, and you know a number of sort of other stakeholder groups have been quite interested to hear how we read the interpretation of the GDPR and how it relates to the accuracy of registration data. Georgios and Olivier joined us on I think the last call with the BCIPC and the ISPC, and were able to sort of reiterate the same comments that we've put forward. You know, both to the Board on within the EPDP Phase 2 scenarios. There's also been quite a lot of interest in some of the proactive measures that we can do to stop DNS abuse, and one of those that we've highlighted is what the registry for .DK has done and thank you to Finn for explaining some of that in one of the sessions as well. That's generated quite a lot of interest and I think it was raised again in the DNS abuse plenary just a couple of hours ago. So that's a very quick overview of some of the engagement that we've had, and --

LAUREEN KAPIN:

And I want to chime in on one issue before I turn it back over to Chris. Regarding the cost benefit balance, that was something flagged by several stakeholder groups, we'll talk about it in more



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depth a little bit later but I want to point out there was concerns about who is going to bear the cost to are this system, and will users be able to afford it, period. We did engage the ICANN Board on this issue. I'm not hour we got a full answer, but if I heard Chris Disspain correctly it did sound like there's cost-benefit analysis that that could take place before the Board considered its final action on whether it was going to accept the recommendation, so that was inform informative.

CHRIS LEWIS-EVANS:

Thanks, Lauren, and moving on to the DNS abuse side. As I mentioned there was a really good session a couple of hours ago. I think it was very good presentation from Jeff from the SSAC, really highlighting the fact that you know DNS abuse and the threats caused by the DNS abuse won't go away. They continue to evolve. The percentage on the volume of team really doesn't make effect the harm that's being caused at the moment by use of the systems. And what we really need is clear concrete mechanisms that we can utilize to reduce that harm that's being caused. And I think some of the take away points was the you know accuracy of the data, the really clear concise and timely sort of contract divisions with consequences. And you know going on from that. There's a big education piece around how do we communicate who you neat to contact. How

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you need to contact and the details you into he had to provide to have action actually being taken against the different parties I think we'll touch a little bit on contract divisions later with Laureen, but I think this is key mechanism for us to enforce some of the actions that we need to be taken. Obviously there's lots of discussion going and around new gTLD rounds, renewal of contracts, and negotiations and this is key for us to focus on going forward. There's lots of concerns around current processes, not really been fully utilized or fully addressed in if problems so we keep mentioning ... and the work is the question the procedure PDP and how that's affected. As Laureen mentioned I took part in the SSAC work part on DNS abuse so I've had the pleasure of reading what hopefully will be coming out in the neck couple of weeks. I think it's really good forward step with some concrete recommendations in that. It still needs to get SSAC's sign off so it may change, and from what I've last seen it's really not to going to change the nature of those recommendations and I think for a community respective I think it would be really good. Step forward and then education, education, education, is not enough of that that we can do making sure the public safety authorities know what they're doing, so the NG's as well are aware what they can do to protect themselves.

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LAUREEN KAPIN: And just to take a pause briefly to the answer. ... haste questions do we have a clear idea what contract adaptations would be made if any.

LAUREEN KAPIN: This is something we are continuing to consider Jorge and we're also engaging with other stakeholder groups and ICANN compliance on this issue. So certain issues have been identified in the past and through Board correspondence particularly whether certain contract provisions are clear enough, that one example is the SPES specificity to investigate and act on reports of DNS abuse. What actually needs to be done specifically. The, the ICANN appliance is audits of registries also forgot certain points about what the registry obligations are in response to DNS security abuse, does their responsibility go go beyond monitoring? What does it lead to next. There were a number of open questions and we think the best way to proceed is to engage if with our community partners and ICANN to determine whether our gaps, and perhaps a lack of clarity which means a lack of enforceability and then we can come up with some concrete proposals so the short answer is we definitely have a sense of some point points but we want to work together to come up with specific proposal. Back to you Chris.

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CHRIS LEWIS-EVANS: Thanks Laureen, next slide please. Thank you. So -- and I always get the name wrong here -- so Interisle published I think just last week, a phishing report which had some new and updated data in it. I think it was really interesting to read a slightly different perspective. We've obviously been having the DARR reports around the threats within the DNS abuse space, and the Interisle report had quite a different take on the volume and the trend of the volume actually occurring recently, and as you can see from the graph on the right-hand side it shows a marked increase there, in the main can be maybe to be identified as being used maliciously. I think even in the DARR report for those of you that were in the DNS abuse session, the numbers are very level. It's sort of outlying spikes here and there. So I think from a statistics side just looking at the volume of malicious domains, is really very difficult. I think we need to offset that with you know the volume must -- the actual ... and if we go onto the next slide. And this is a reiteration of the slide I used in the plenary session. This really is a gathering of a couple of different sources that to me highlights the different types of threat and just how wide they are, and continued increase to those seen by the public and the use of the Internet, and you know for me it really is about people's confidence in using the Internet securely whether that's for business or personal use. Or just as part of day-to-day life, and with costs and prices of data loss or harm, we really need to be seen to be doing something impact I have

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on this side. To really try and reduce that harm level. I think one of the stand out ones for me was the last one to say, data was taken from the UK's data protection authority. The ICO and within there are first quarter data for this year, 60% of the cybersecurity data breaches were caused by phishing and malware. You know which is squarely in the DNS abuse setting, and you know pretty much agreed items by informing the community as being in DNS abuse. So I think it really shows the impact and you know we -- the cost of data breaches both to the company and to the people involved is very high so he think really just personally for me it highlights the harm it's caused across there. And Laureen, over to you for 5.

LAUREEN KAPIN:

Thanks so here we're returning back to the issue of contract provisions, and enforcement, so just to provide a little bit more context, the public interest commitment are specific provisions in the new gTLD contracts that really focus the on providing obligations in the contract that centered on protecting the public from malicious or disruptive behavior and it stemmed from the GAC desire to... bee beginning of 2013. There have been rather sustained concerns with the enforceability of the public interest commitment and their enforcement through the rather complicated and lengthy dispute resolution procedure,

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and the Board in its correspondence to the subsequent procedures working group also raised some concerns with possibility of future voluntary PICs under the new ICANN bylaws and I will point out in the recent Ford meeting we did receive some assurance from the Board that their concerns really focussed on the voluntary rather than mandatory picks and, of course, the GAC safeguards primarily live in the mandatory public interest commitment. And it was reassuring to me that those are not perceived as inconsistent with the ICANN Blues. The voluntary commitments like their name implies can one the gamut and from what I could hear from the explanation during the earlier Board meeting. Some of these perhaps may infringe on the 2016 bylaws, and that there need to be further consideration and discussion about that. And I think the take away at least I had personally, is that this is an issue that needs some further consideration and analysis, but that hard lines about whether it's in or out or not consistent with the bylaws having been drawn it's merely an identification of a [inaudible] so I think we'll be watching that for more development I want to point out that our concern with contract positions isn't necessarily something that's new, in fact, in had 2013 the law enforcement community was a vital advocate on these issues. And indeed, this has been the subject of GAC questions in several communiques and we've received some responses from ICANN, and you can see 2 provisions that I actually referenced in my

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prior answer on Jorge's question, that have been the subject of questions, and that is this spec 11, and this obligation to identify and monitor computer and how that that obligation goes particular live after you've identified something, and some concerns with indeed the audit in which ICANN compliance did note that some registries did not inter their obligation under spec 11 to provide on it information to ICANN compliance therefore making auditor's job more challenging. And I do want to note that there is going to be an audit of registrars forthcoming and ICANN compliance has been a bit delayed in that because of all the challenges presented by the COVID-19 scenarios but they are anticipating starting that audit. So just to highlight there. Next slide please. I also want to talk a little bit about the DNS abuse from the competition, the consumer choice and consumer trust teams which I was a member of along with a lot of other dedicated folks from the community. But there were very specific does abuse related recommendations including, and these numbers that you see there, those relate to the exact recommendation numbers. Including provisions to incentivize adoption of proactive anti-abuse measures. And that whole idea of incentives has been the subject of a lot of discussion and I believe I read in the CHA chats in the DNS abuse session precisely about that and contract... aimed at preventing an use of specific... and again in the last cross-community session a short while ago on DNS abuse some of the statistics

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that were shown revealed that a lot of abuse is centered in a very small number of registries, or registrars.

And therefore, those recommendation from the CCT team, which also had the benefit of a study that focussed on DNS abuse and found the very same thing -- IE, small number of actors responsible for a large percentage of abuse. There should and way to get at that. There should and way to get at that behavior in the contract. So that that bad behavior is not sustained. And finally there was another recommendation about publication of the chain of parties responsible for registration and what we're talking about here is that you may have information not WHOIS record that tells you who was the registrant, and who is the registrar but if things are resold, then you may lose track of who is actually responsible for that registration, and so this is a specific provision aimed at making sure that information, when domain is resold, it also published in the WHOIS record. So that that information is available for those who need it and I will point out that we heard from the Board that many of these recommendations which had been on hold are also going to be acted on and off or during this meeting and they will be publishing their considerations of these recommendations in this meeting so we're very much looking forward to that action, and also reviewing the underlying basis for it. And we note you know our consistent advice that we would like these



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recommendations to be acted on prior to the next round, and it sounds like we're coming much further along the way to actually having that happen so that is a welcome development so we do have a few minutes for questions, and in that regard I am actually going to scroll up in the chat because we've had some questions from from the beginning, and I want to do my best to take them in order and, of course, I'm also going to call on Chris to answer, chime in, as needed. But this one is at Laureen so I will take this in Susan Payne and this really relates to statistics acknowledging a desire to move forward to solutions rather than engaging in if a battle of the stats, she's raising the very valid question of how are you going to measure whether any solution works, unless you have a comparative stat? Which I think is a very fair question. And I think in that regard Susan, we do have some resources, and, and tools that we can use, and here I'm going to be very efficient, and also refer to one of the comments in the chat by my DARR colleague, we are looking forward to engaging with our DARR colleagues on the way they report statistics, are and possible ways to even improve that. I certainly think DARR and the other initiatives that ICANN is already engaged in are a good starting point, and I think the fact that we see other information from colleagues in the community. The Interisle report. I know we also have intellectual property rights holders who maintain their own statistics although for competitive concerns aren't always able to disclose those so my

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sort of bit of a meandering answer is I think we have to look at the information we have access to, and assess what the best information would be to rely upon as a measurement and it may very well be that continued discussion with our DARR colleagues that makes that information even more useful and robust and would possibly be a way to measure this. But the other thing I would point to Susan, is I know that the registries and registrars also keep their own information on these issues that are specific to their registry and registrar, and certainly that information I think would be key just for each, each contracted party's own assessment of how effective any tools are. IE, this self monitoring could also shine a light on whether any proposed solution or implemented solutions are, in fact, having an impact. Continuing to scroll down to answer these questions and I'll invite Chris to do the same.

CHRIS LEWIS-EVANS:

So there's a comment around the DARR and how the PSWG might make some suggestions towards DARR. We actually had a meeting with OCTO and the team behind the DARR this week actually. It was in the space where we are. And that was great so we had a really good briefing from them about how they are collecting their statistics, what statistics they are collecting, and how we might be able to make suggestions for updates so that's

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something we are certainly considering. One of the key principles behind the DARR is its repeat ability. So anything we do share with them needs to be repeatable. So just --, and then there's question around DNS... answer in the chat. Obviously as with everybody else I imagine the last 6 months has been particularly painful for coordinating new work, and you know really putting some impetus behind some of the newer projects that we have, so I'm afraid we've not got as far as we would have maybe hoped onnen that DNS... but we'll certainly give that a bit more of a chase to see if we can get an update ready for the next ICANN.

LAUREEN KAPIN:

And I think Laurie has a question about data sources. Correlating the behavior with brands or copyrighting content and Chris you can correct me if I'm wrong here but I don't think -- I don't know the answer to that question. I don't recall seeing that actually called out and indeed I would look to you Laurie in your stakeholder groups to provide more information on that particular issue as you're likely best position to do that. And then Brian Beckham also has a question in the last minute before I thank folks for their attention. Of does the question of stats recognize a qualitative aspect IE major impact from one ransomware attack on a hospital as well as merely quantitative.

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That's a really good question, and one I can speak to a little bit Bryan. I think that the stats really are quantitative but when you look at the real world impact of these the qualitative impact is huge. A hospital that's subject to ransomware attacks and these are is been in the news lately, as any reader of the news will note. It ties up the hospital systems. Is ties up the hospital system is the point where they might not be able to provide proper service bus of patient records and that can actually cause deaths, and have a really negative impact on treatments in terms of phishing attacks, that also can cause huge financial harm to small businesses which are the victims of many of these acts. So the qualitative impact off these exploitations of the DNS is profound, and you may not be able to see that when its pointed out that this is a small percentage of the actual domain system, but whether it happens these harms are real and they have a devastating impact. And with that I'm going to thank people for their attention on this is issues and for their support of our work. And if you have other questions you can always feel free to reach out to us. We are happy to chat and engage further. Back to you, Manal. MANAL ISMAIL, GAC

MANAL ISMAIL GAC CHAIR: Thank you very much Laureen, Chris, and everybody for this interesting dialogue, and thank you Chris and Laureen for the

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informative slides and everybody more the questions. And congratulations Chris, to your nomination as a co-chair, and to the working group as well for having someone as active as yourself helping on their leadership activities. So this concludes the GAC pun safety working group update. It's time for a 30 minute break and please be back in it the Zoom room at 14:30 Hamburg time. 1230 UTC for the registry the services and data protection discussion. Thank you all. The session is adjourned. Thanks.

**[ END OF TRANSCRIPT ]**