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ICANN70 | Virtual Community Forum - Joint Meeting: ICANN Board and CPH  
Monday, March 15, 2021 - 14:00 to 15:30 EST

FRANCO CARRASCO: Hello, and welcome to the Joint Meeting between the Contracted Party House and the ICANN Board on the 15th of March 2021. My name is Franco Carrasco from the ICANN staff, and I will be the remote participation manager for this meeting.

Please note we are holding this meeting as a Zoom webinar. Be advised that the floor on this session is reserved exclusively for interaction between the Contracted Parties House and the ICANN board members. We, therefore, have the members of both groups promoted to panelists today, and they are the only ones able to speak.

For a panelist, please raise your hand in Zoom in order to join the queue to participate. All panelists are muted by default, so you may proceed to unmute yourself when you are given the floor.

Before speaking, please ensure that you have all your audible notifications muted. Clearly state your name and the language you will be speaking if other than English. Also, please remember to speak slowly for the scribes and the interpreters.

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Having said this, I will now give the floor to Maarten Botterman, chair of the ICANN Board.

Maarten, the floor is yours.

**MAARTEN BOTTERMAN:** Thank you, Franco. Thank you, everybody, for joining this very first constituency day session that we have for ICANN70.

As we all know, this will be a virtual space, and people are all the world in different time zones, and I just want to thank everybody for taking the time out and being with us.

So looking forward to the session. Looking forward to it to be an interactive session, focused on a good discussion between particularly the Contracted Party House and the Board.

As Franco said, others are very welcome in the room, but the debate will be between us, the discussion will be between us.

So our session today from the Board side will be led by Becky Burr.

So, Becky, could you please take over and take it away.

BECKY BURR:

Greetings, everyone, from Washington, D.C. And again, this is the beginning of what I am calling ICANN70 month. It's stretched out a bit. And the Board had its -- parts of its workshop last week, but we're glad to be joining you here.

And as Maarten said, we really would like this to be as interactive as possible. So I thought it would be best if we start with the question -- the topic that the Contracted Party House has raised with us which is, indeed, a meaty topic on the SSR2 review report.

We have on the Board an SSR2 caucus which is led by our two liaisons, Danko Jevtovic and Kaveh Ranjbar. And I think we're going to start out with -- I think perhaps what we would like to do is have you introduce the topic, Contracted Party House, and then

Kaveh and Danko will lead the discussion from the Board's end, although of course other board members are welcome to -- to participate.

So, Sam and Ashley, if you guys just want to give us a little opening on this. We, of course, have read the letter, just to be clear.

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ASHLEY HEINEMAN:

A little opening. We'll see what we can do. And I'm fairly certain those reminders to speak slowly are for me. I will do my best. I will try and breathe.

So Ashley Heineman here. I am chair of the Registrar Stakeholder Group. I'm joined here with Sam from Registry Stakeholder Group, and of course all of our colleagues. And as was said by Becky, we did send a letter as the Contracted Party House to the Board outlining a number of serious concerns that we have with the SSR2 final report and its recommendations.

And just to give you a high-level overview of those concerns, you know, while we do recognize that a lot of hard work went into this review, these reviews are very important, what we're about to highlight here are of serious concern enough that we are actually asking that the Board reject them.

The first grouping of these have to do with the fact that the recommendations would actually violate the terms of both the Registrar Accreditation Agreement and the Registry Agreement. And looking most notably at recommendation 8, which calls for a creation of a negotiating team that would be comprised of DNS abuse experts and the like to negotiate our contracts, essentially. And they are not to be affiliated or paid for by the contracted party. And this is in direct violation to a number of sections, under

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Section 7 of the RAA and of the RA that basically say that negotiations happen between ICANN and the contracted parties. So this is fundamentally flawed, from our perspective.

Also, recommendation 14 calls for the -- a creation of temporary specification. I won't go into the details of what that temporary specification is, but to be a temporary specification, it really needs to reach a certain bar, and we do not feel that this does. Essentially it's asking for contracted parties to keep a percentage of domains identified, the revised DNS abuse reporting activity, as abusive below a reasonable or published threshold. And we find this to be in serious violation of the terms of our agreements, and that a temporary specification is only contractually permitted to address an immediate need to maintain the stability, security of registrar services and registry services in the DNS and would have to be narrowly tailored to achieve those objectives. And once again, we do not feel that what is being proposed here meets those criteria.

So also we believe that a number of these recommendations in the final report would actually undermine community discussions that are in progress within the multistakeholder model, and we'll touch on some of these. But there's a great deal of work that is happening right now on both sides of the Contracted Party House. We both established DNS abuse working

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groups. We meet individually as well as collectively. We have started working with the different stakeholder groups and communities to talk through what their concerns are and exchange ideas and perspectives as well as a number of specific work items that we'll get into later.

And, lastly, we believe that the review team ignored a number of fundamental and crucial public comments. And we can articulate those in greater detail but I think also shine to, perhaps, a larger concern we have with the reviews in general.

But with that, I'm going to turn to my colleague now to go over those now, Samantha, in more detail. So turning it over to you, Sam.

SAMANTHA DEMETRIOU: Thanks very much, Ashley. Thanks for kicking things off for us.

Hi, everyone. I'm Samantha Demetriou. I'm the chair of the Registry Stakeholder Group.

I think Ashley gave you a pretty good rundown of the really specific concerns we have about some individual recommendations in the SSR2 report.

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And I think our experience in the contracted parties side with this report really highlights some of the challenges and issues we've seen with specific reviews more generally especially on the Registry Stakeholder Group side. We've been -- over the past few years, we've been very engaged on both the specific reviews that have taken place recently, either participating in them or taking opportunities to comment on their work and provide input on the various reports they've published but also by providing ICANN input into the papers that it has published over the past few years regarding improving the reviews process overall.

And so one of the big issues that I think highlighted with the SSR2 process has been some of the challenges around transparency of specific reviews and the limited opportunities for the community to have input into it.

Ashley noted that one of the concerns we raised in our letter to you is about how many of the comments that were submitted on the draft SSR2 report seemed to have been overlooked or otherwise set aside in the final report?

And, you know, when we went back through and reviewing our last round of comments -- and it gets pretty notable that we submitted those approximately a year before the final report came out. There was a long period of time where the review team



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was going through these comments that we don't, that the larger community doesn't really have a lot of insight into. And we noticed the final report in a lot of ways was significantly different. And many of the recommendations underwent a lot of changes, and just generally speaking, there's not really a good opportunity for the community to have input or say in any of those before they get delivered to you guys as the ICANN Board.

That said, though, we did, in our initial comments on the draft report underscore a lot of the issues that Ashley just -- just iterated for you here about our concerns with recommendations from a review team to make changes to our contracts. There are very limited avenues to change the contracts that exist between ICANN and registries and registrars. So the Registry Agreement for registrars and the Registrar Accreditation Agreement for registrars.

And having a review team recommend a unilateral change to those contracts is very problematic for us as businesses, as participants, and as multistakeholder community. And that's where we spent a lot of time in the body of our letter but then also in our specific comments on those recommendations that we submitted to the final report.

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So we did -- we raised those issues on the draft report. And so it was especially frustrating for us to see in the final report, the only change to those recommendations was instead of just recommending contract changes, instead it was to recommend a temporary specification, which in a lot of ways to us seems like a fast track to contract changes that are really handed down from the ICANN Board to contracted parties.

So I think we just want to underscore some of the real challenges that we saw with this so it's clear to you all as Board members when you're considering these in the larger context of the review and the role that the specific reviews play in ICANN's accountability.

And now we've been more than happy to hear some feedback from you guys as Board members or answer any follow-up questions about some of the specifics we have raised here today.

BECKY BURR:

Thanks, Sam and Ashley. That's very helpful. Danko and Kaveh, I don't know which one of you is going to start this off, but why don't you go ahead.

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DANKO JEVTOVIC: Yeah, thank you, Becky. I'll try speaking first because I know that Kaveh's comments are of as an advisor. So he can add to my speaking.

So, first, Ashley, Sam, thank you for laying out the key points of the comments. And as I said and as you know, the SSR2 review was a very long process. And, of course, it's still ongoing in the implementation phase.

And I would first very much like to thank in the name of the Board the review team and the ICANN ops support throughout this lengthy process, worked very hard to get to us to the point to where now we can discuss the final review and do something with it.

Kaveh was a longer-term liaison from the Board to the review, and I joined since COVID. And we worked with the team to try to finish, and now we are at that point.

I can tell you that the team has received a lot of comments on the draft report, who worked on them, and tried to do the best with the material and the opportunity they had. And we ended up with 63 of the current recommendations.

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As you know, the process is that the Board has to take action by July 25th this year and that the public comment period is still open.

First, I would like to point out that this is actually a community review. So the review team members were selected by the community. And in a way, the reviews -- the specific reviews are reviewing the ICANN Org and the ICANN Board. So we on the Board are the ones being reviewed, and we are taking these comments very seriously.

We all recognize that during this lengthy process, some of the financing or ICANN environment has materially changed. And the review team had at one point to focus on finishing the review and the current set of circumstances that actually changed for the process.

And, also, I noted that some of the community attention during this review seems to be reduced. And it's very reasonable given the number of issues and the priorities we had during this time. I remember the presentation from the review team in Montreal and a rather recent Webinar that was attended by the community, but we didn't receive full feedback until -- that we are receiving now.

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So I remember strong feedback from the contracted parties on the draft report. And I would like to thank you very much for the solid and clear comments that we are receiving -- we receive now with this feedback.

Of course, as Sam pointed out, there are all lessons that we are all learning from this process, and we will take stock of the process and try to help with improvements. But now we are in the point of time when Board has to listen to you and to all the comments from the community.

ICANN Org currently works very hard on feasibility and impact assessment, and the Board is very well aware of the review or report through Kaveh and myself as liaisons. And as Becky pointed out, the Board has created a specific caucus that meets regularly on the SSR2 review. And we had a full info session with the full Board, so we are very well aware of the process that is happening.

As you didn't go into too many details, I don't believe that in my initial answer I will go into individual recommendations. But I must point out that the Board will definitely not act out of the ICANN mission and bylaws. We will take comments from all the stakeholder communities, and we will do what is our role in

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public interest and take on everything and act by the bylaw mandate to date.

Of course, by reading the review and your comments, I personally understand that there are challenges to say the least of implementability of some of the recommendations and how the recommendations respect our multistakeholder bottom-up community-led process. So this is the key to the work of the Board, and Board is not creating policies by bylaws. And we will abide by the bylaws and by the processes.

So currently, we do have from the review team a good set of implementation shepherds. And we will work with them to clarify the recommendations.

So one other point I would like to make initially is that part of the key issues that you pointed out, and we also saw, are the discussion about the DNS abuse. And this is, of course, a critical subject. But there is already a process that the community is doing that we're all focused on that. So this is one of the important things that we see overlap between the report and the community-led recommendations that are currently being implemented or in discussion with the community.

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And the other point is the question of how recommendations from the draft report about the negotiation and the contract with the contracted parties have somehow evolved -- or whatever the word will be -- into the idea of the temporary specification that is rather challenging, as you pointed out in your comments.

So this is my initial part. Kaveh, if you would like to add something to it.

KAVEH RANJBAR:

Thank you very much, Danko.

No, I think you covered basically everything as we have discussed on the Board.

I think just to look at this -- the current situation from a different perspective, I think there are two distinct issues, and we really need to act both with the Board and with the community, the different stakeholders, to act really like -- with different terms and look at them as two different basically issues to tackle.

One is the problems, if you will, some of them are shown. There are structural issues, right? So they are not related only to SSR2. They can happen in SSR3, or similar issues have happened in SSR1. And I think we really have to make sure we receive this type

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of feedback. And if changes are needed in any part of the structure and governance, including possibly even changes in bylaws, to basically structure the scope, the selection mechanism of the candidates, the methods, or basically at least guidelines, maybe there is an indication here that we need more clarification there.

So I think that's a separate effort, and we all have to dedicate some time to that. I assume we will come up with a plan for that. That can take a big longer time before the next review starts; but, of course, we should get started on that.

Then we also get to the current review, SSR2. And, yeah, we've basically received feedback. I personally see a lot of valid points.

On the other hand, I just want to remind that a lot of what has been produced is basically a product of what is currently draft in the definition of these reviews. So at least their interpretation of the review, the scope, it had matched it. We might say, Oh, we agree with this or we have a different opinion on another one. But at the end, this is something that people can interpret like that.

So some of that should be fixed in the organization.



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The reason that I'm -- I think it's very important to separate those is because the people in the SSR2 team, they're all community volunteers. And they spent a lot of time doing what they think -- and they basically saw the framework as the best. So they really tried hard. And if we want to keep that community pace, we also have to look inside and see, okay, if the structure needs updates or the text needs some more clarification, we should provide that.

But looking at the current review, I fully agree with Danko. And this is my understanding of the Board sentiment, that, first of all, we will make sure whatever action we take or we do not take is justified and is clear by our collective understanding of ICANN remit, so -- and current bylaws. So can we even enter that area or not? There is a collective understanding of that within the Board, and that will be our judgment source. Thank you.

BECKY BURR:

Thank you, Kaveh. And I think we can start just a general conversation queue.

But while that's happening, Avri, can you talk about some of the structural issues about reviews that we are thinking about.

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AVRI DORIA: Sure. Thanks. This is Avri speaking and assuming I can be heard. I didn't do the pretest.

BECKY BURR: You can.

AVRI DORIA: Okay, thanks.

There really are two separate issues here. one is -- and I think Kaveh said this essentially, that there's the issues concerning the SSR review and whether all the comments and such were taken properly into account.

And I can just sort of say from every review I've seen, yeah, that happens. I mean, people do read them all. They do take them into account. When there are contradictory ones, they have to deal with that.

The other part of the issue is sort of the structure of reviews, the fact that this isn't the first time we've had a stakeholder group or constituency say, "Please, ignore this part of that review because they didn't take our viewpoint into account properly."

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And so that's become sort of a general issue that we'll be looking at as we go through the ATRT3 recommendations on what to do about specific reviews going forward. And that's a whole process that we're just starting now in the OEC in terms of looking at reviews and what we need to do about them, to make sure we don't get to these points, if it's at all possible.

Thanks.

BECKY BURR:

Thanks.

And just let me add to that, I mean, I think that we have to have a conversation in the community about the role of reviews, vis-a-vis policy. Obviously we have bylaws that determine how policy is developed. And when you get some blurring of the lines here, it is a topic that I think we all have to think about in that context. And I know that's one of the topics the Board is thinking about.

Maybe we can just open the floor up to conversation.

SAMANTHA DEMETRIOU:

Yeah, Becky, this is Sam again. I want to just confirm with our remote meeting facilitators that if members who aren't yet panelists, just members of the CPH, if they want to speak, they

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can put their hands up in the chatroom as normal and we can promote them to panelist to -- in order to participate, that's correct?

Oh, they don't have hands. Okay.

I apologize for this, guys. It's a bit of a logistical issue that I just wasn't -- I wasn't aware of.

So maybe to that end, if folks could just put it in the chat, if they would like to contribute, if they have a point they would like to raise or a question they would like to raise, just literally maybe write the word "hand" maybe in carets and we can get people up to panelist and we can work them into the queue. So I can help manage that on our side.

So very sorry for that little logistical hiccup, guys. I think we'll be able to pull it off if folks want to get in and want to speak.

I did personally, as we are kicking off this discussion point, want to just respond to something that Avri was getting at and that the other members touched on as well.

I think in terms of structural issues with reviews here, I think an important consideration that we have to be thinking about and

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discussing is not only places where we -- there's a review and we as community members may be unhappy because we feel like our comments were disregarded because it was something we didn't like. I think the larger issue for us here is when -- is the disregarding of our comments that, I mean, I would like to think rise to maybe a slightly higher level because we're expressing comments with violation of the contractual terms that we have entered into at ICANN. And, frankly, also they're violating the multistakeholder model, at least the essence of the multistakeholder model, right, by attempting to sort of work around what would otherwise go through our community process or our policy development process and sort of skipping a line, if you will, directly to changes to the contract without having to go through that bottom-up process that we all are here to participate in.

So just want to throw that out there for some additional consideration as we're thinking about reviews more generally.

GÖRAN MARBY: Can I ask you a question?

[ Multiple speakers ]

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GÖRAN MARBY: Can I ask a question?

BECKY BURR: I am monitoring the chat.

Yes, go right ahead.

GÖRAN MARBY: Sam and Ashley, thank you very much. When you have spoken, have you been in contact with the review team and asked them why your comments were not taken into account? And what was their reply to that?

I'm sorry if I didn't see that your hand was up.

ASHLEY HEINEMAN: I'm not sure there's a vehicle for that other than we are putting that in our comments on the final report. But I don't know if Sam has anything else to add there.

SAMANTHA DEMETRIOU: I'll just add, yeah, this was something I was sort of trying to get at, at the beginning -- which is the short answer to the question, Göran, is no. We did not independently reach out to the review

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team, to the review team leadership or to individual review team members.

Maybe that's the -- maybe that's an answer, right? Maybe that's something that we should be considering in taking on board as future reviews start.

I think what we would prefer to see is that there are more opportunities where the review teams, not just SSR2 but generally, can engage with the community so that we don't feel like we're sort of having these one-off interactions so that it's transparent, right, so that these interactions are aboveboard and open. But it's food for thought, for sure.

I think Avri's hand is up.

AVRI DORIA: Sorry, yes.

BECKY BURR: I believe that's correct.

AVRI DORIA: Yeah, just a quick point wanted to make. This is Avri again.

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One of the things you may have noticed in some of the previous review decisions from the Board is the Board sort of said thank you for this recommendation but the doing of it, the deciding of it is not in our purview, and, therefore, we forward the request on. So I think that some of the practice you're looking for, in a sense of not taking the review and just acting on it when it is something that is in the purview of the GNSO Council or purview of the, you know, Contracted Parties House is already a habit that's been formed. And I'm assuming it's a habit we will continue to follow; that if these are not things for us to decide based on what -- and it refers to Jeff's note, too. If these are things that are not in our power to decide based on a review, then we pass them over to the group that holds that recommendation or decision capability.

Thanks.

BECKY BURR:

Thanks.

Other hands?

DANKO JEVTOVIC:

Becky.



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BECKY BURR: Go ahead, Danko.

DANKO JEVTOVIC: Thank you.

Well, we are kind of still back in the systematic part of the discussion, but one of the things I pointed out is the review team is selected by the community to review the org and the Board. So in that way, there was a process that selected parts of the -- members of the review team and in this particular case, it was long ago and it was complicated by the pausing and the reselecting of the SSR2 members. But generally, that's also an opportunity for the community stakeholder groups to communicate with the team, with the people who are there on the team.

Second point is that it was, I believe, commented in the chat that reviews are not and should not be a replacement for the bottom-up policy development process, and this is very clear.

And my personal feedback from communicating with the team was that while doing the review, team analyzed, saw some security challenges and the ways how they think it can be

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improved. And it's the question of how they structured their recommendations to give us guidance how to improve it.

And probably the way how they did it in the draft and in the final report created this challenge that we came up with some of the recommendations that cannot be implemented, and we now have to think what would be the best way to do it. But I know that the idea was to improve and to find out the challenges.

One of the problems that the Board has, and it was pointed out in the comments and now back, is actually some of the recommendations are not based on the fact-based problem statement, but they're just giving the recommendation what should be done without really analyzing what's the problem that has to be solved. So we will have to deal with that whilst, of course, we get the analysis by the org's team. So this is the challenge I see currently.

Thank you.

BECKY BURR:

Thanks, Danko.

I mean, let me just say, to follow on with Danko's point, that this is an issue that prior to ATRT3 kicking off, we had put out a paper

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from the Board for just general discussion on how to make recommendations more effective, which included identifying the problem that was intended to be solved and providing the facts that supported that.

Now that ATRT3 is completed, partly because they were looking at that prioritization and recommendation process, we're going to start that, we're going to renew that paper and circulate it again to the community because I think there are some standards for the recommendations that we could put out there that would make them more effective and more actionable.

Other hands?

ASHLEY HEINEMAN: (Indiscernible) here.

BECKY BURR: Go ahead.

ASHLEY HEINEMAN: I just wanted to chime in and make sure it was abundantly clear we recognize the importance of this team and their work and all the time and effort that went into this, and we take -- we actually agree with a number of the recommendations that are made.

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I think we did our best to -- you know, when we ask for recommendations to be rejected, these are all, like, clearly in the realm of they are in direct violation with respect to our contracts and how things work.

So -- and I think this is a really good conversation, particularly with respect to addressing a number of the concerns that Sam raised with respect to how to move forward with these reviews, and there have been some great ideas put forward in how to try to correct those.

But I just wanted to make it clear that we recognize this was a hard job to do, and there are just some areas in here that just can't be done for a number of very specific reasons.

Thanks.

BECKY BURR:

Thanks.

Brian.

BRIAN CIMBOLIC:

Thank you, Becky. And so, yeah, just to reiterate, we understand the important and hard work that went into this report and that

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there are -- there's a number of recommendations that the registries explicitly endorse. But then when it comes to some of these fundamental ones, I think it's important that, you know, both Danko and Kaveh have mentioned that as the Board approaches these hard questions, they're keeping into account the mission and the bylaws of ICANN.

I would suggest a third and equally important criteria there is the contracts, both the Registrar Accreditation Agreement and the Registry Agreement. You know, those are crucial and important documents for the Board to keep in mind as they look at these -- as they look at these recommendations. It seems that the recommendations were developed outside of reading those contracts. So I think it's something that's critically important, and I'd encourage the Board to keep both of those documents front of mind as they go over these recommendations.

Thanks.

BECKY BURR:

Brian, can I just ask you, for the benefit of the Board, to be explicit about what parts of the contract you don't think were -- were reflected in the recommendation?

BRIAN CIMBOLIC:

Sure. So on recommendation 8 is what calls for the negotiating team to renegotiate, to call for bilateral renegotiation of both the Registry Agreement and the Registrar Accreditation Agreement. That -- if you take a look at Section 7.7 of the Registry Agreement, it's clear that would violate the terms of that.

The biggest one, though, is the call for a temporary specification would violate the Registry Agreement as well as the Registrar Accreditation Agreement. So the temporary specification as set forth in specification 1 of the Registry Agreement has very defined terms. So temporary specifications are contractual animals. It's not a freestanding policy vehicle. It is built and it lives in our contracts, and it requires an immediate threat to the security and disability of the DNS. And both of those are defined terms. They're not generic words of, you know, security or stability. They have defined meanings in our contracts, and they need to be as narrowly tailored as feasible to achieve their ends.

And so unlike a situation like in 2018 where the original temporary specification, contracted parties were put into a position where they had to potentially choose between compliance with applicable law or our contracts, there was an immediate threat that had to be addressed. And so the temporary specification was used to bridge that gap.

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There is no such triggering even here such that requires this immediate and emergency action that, as my colleagues have described, would effectively be an end-around of the multistakeholder process and a sort of unilateral contractual amendment when it's clear from the terms of the contract that that would not be permitted.

So...

There's more -- Becky, there's --

BECKY BURR: Thank you, Brian.

BRIAN CIMBOLIC: -- in our comments, in the filed comments.

BECKY BURR: Yeah. I just thought it was useful to get that out here in the conversation.

I think Göran and then Danko have hands raised.

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GÖRAN MARBY: Thank you. This is -- this is a question back just for me to -- because you talked a lot about the structural problems with these particular reviews by itself not having people on it -- I understand now; I didn't know that -- and no comments.

So what -- are you looking at that, you know, if you -- or a decision-making body, should we scrap the whole review or are -- because of those structural problems, or is it that the part that just hits the contracted -- the contracted parties that you want to scrap?

So just for me to understand. Because the structural problems you're talking about sort of said, in a message really, (indiscernible) that the whole review should be redone or anything else. On the other hand, there could be things in there that you support.

So what would you -- and maybe this is an unfair question. Just for me to understand, what would you like to do next?

SAMANTHA DEMETRIOU: Becky, I can take that one, if you'd like.

BECKY BURR: Go ahead. Go ahead.



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SAMANTHA DEMETRIOU: All right. Thanks. Göran, I don't think it's an unfair question. I think that's a very fair question to put forward.

I think Ashley touched on this and some other have mentioned it. I don't -- we're not looking for you to scrap the entire review. We definitely understand that while there were challenges with this, that reviews are significant undertakings and that the folks who work on them put a lot of time and energy into them. And I don't think we're saying that the team as a whole, like, did a bad job.

There's -- There's always going to be challenging with reviews. There's always going to be challenges when you have a small group of people working on behalf of the entire community, right?

Our specific ask here, and I think that's what we get to in our letter, is really more about these very specific, and it's a limited number, of recommendations that present the biggest problem for contracted parties if they were to be just implemented as is.

We'd like the Board to consider rejecting those recommendations. I understand that per previous reviews, you know, the Board does a full review -- I shouldn't use the word. They thoroughly consider every recommendation that come out of them. And I think Avri mentioned this, they assign some out to

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the GNSO if they're more policy focused or they assign them to different parts of the community. But I think there is an option to reject the recommendations that just aren't workable and we would like the Board to consider taking that action in the ones we enumerate in our letter.

BECKY BARR: Thanks, Sam.

Danko.

DANKO JEVTOVIC: Thank you.

I listened very carefully to the comments on the contracts and the temporary specification, and I would like to comment a bit.

First of all, I wanted to point out that during the long work of the review team, they had great support by the ICANN org support team. And I believe Göran, he mentioned the number of questions that was asked by the team and the amount of hours used by the ICANN org to support the work of the org team, and I remember that review team recognized that work and they were helpful for it.

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In that work was very clearly a number of times explained, the role of the bottom-up policy development process and way how the contracts are structured and how voluntary negotiation with the contracted parties are laid out. So this is something that has been pointed out by the team. And also, it was pointed out by Kaveh and myself as the Board liaisons. But we as the Board liaisons in the team are the team members, but we are not there to contribute to the work directly but to support the review team and to communicate with -- establish the communication in between the review team and the board. So the recommendations that were drafted and later finalized are the recommendations by the team.

And my view is that, actually, as I said, the temporary specification idea was created in order to try to solve the issue that some of the recommendations cannot be directly directed to the ICANN org to implement in the contracted changes because they're voluntary negotiations. And I would say that your comments on the role of temporary specifications are very clear, and that the Board fully understands why the temporary specification that was brought up by the law, by the GDPR was there. It was not there because it was a decision by the Board but because it's a requirement to be compliant with the law. So it's different -- different job.

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So I think I just wanted to point that out to so that we really understand these key issues that you brought to us.

Thank you.

GÖRAN MARBY:

Could I just make a comment about the temp spec?

Not to disagree at all with Brian but we did invent the community process before the temp spec which we call the consultant model, because you asked the name for that early in the morning and I was hungry. But the calzone process was actually something that we invented to give the Board the support coming up to the temp spec. So the Board -- The reasons why we had to do a temp spec was because we had the date, we had -- the GDPR implementation had to be done, and it was needed for us to get the -- needed to get the guidance from the European Data Protection Authorities about actually maintaining a holistic system in the first place. So it was the protection not only for the WHOIS but also protection for the contracted parties who retains the data.

But it was also -- remember, it was also -- So I agree with everything Brian said, he said all along. We actually did add on a

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multistakeholder model before the temp spec, and then of course the policy work came after that.

Thank you very much.

SAMANTHA DEMETRIOU: Becky, I think you're muted.

BECKY BURR: Yeah, sorry.

I just think the point -- Göran's point is important. There was consensus about the need for a temp spec in the GDPR situation. And I think that's an important part of this. Sam, I think you had your hand up.

SAMANTHA DEMETRIOU: No.

BECKY BURR: I think you were the next person.

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**SAMANTHA DEMETRIOU:** But I think we've -- I want to just say that I really appreciate everything that you guys have covered today, especially Danko. A lot of those points about, you know, the challenges the review teams face but the fact that you guys are taking our feedback on board and that you're, you know, paying attention to the concerns we've raised. We do really appreciate not only that but you taking the time to hear us out and to go over these things today.

If we're -- I think we're sort of wrapping this part of the discussion up, and I would love to pivot to some of the work we are doing on DNS abuse, if you think we're ready to move on, Becky.

**BECKY BURR:** I think that would be a great idea.

**SAMANTHA DEMETRIOU:** Okay. Thanks for that.

So one of the other items that we note in the -- in our letter, and one of the reasons we think maybe a temp spec is not a great idea -- a temporary specification is not the best way to approach work on DNS abuse is because we think the community as a whole is really just the a starting point on this and that there's a lot of room

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for us to explore and do some really good work as pertains to DNS abuse before we need to go down that kind of a path.

And so I will let you all know that both the Registry Stakeholder Group and the Registrar Stakeholder Group have separately established working groups that are focused on DNS abuse and working on solving the problem, making the problem better. And those two groups work independently but then they also coordinate and collaborate on certain topics.

And so we have the leaders of those groups here who are going to give a little bit of an overview of the things that we've been working on. And then we'll also talk about some of the outreach we've been doing to the other parts of the ICANN community. And we'd love to hear feedback from the board members or answer anything questions that you all might have about some of the work we're doing.

So first we're going to lead off with the registry side. So I'm going to hand it over to Brian again and Jim Galvin to cover the work that that group is doing.

BRIAN CIMBOLIC:

JIM GALVIN:

Thanks, Sam. This is James Galvin from Donuts. I'll begin. Brian and I are co-chairs of the Registry Stakeholder Group on DNS abuse.

I'm going to talk a bit about our collaboration with OCTO with respect to DAAR. We actually started that work almost two years ago. When DAAR first came out, we shortly thereafter had reached out to them, and do want to give, you know, some credit to John Crain and Samaneh in particular. They spent a lot of time the last week. We had our DAAR working group at that point, and we focused a lot on talking with them about what DAAR represented and how to improve it. We really were looking to make it something which was informative to the community. And so we spent a great deal of time with them.

There's -- You probably have seen, we actually sent a formal communication, if you will, to OCTO from the stakeholder group. There were seven recommendations in there. And we made a number of enhancements and updates with them. We worked very closely with Sam, in particular, to look through the statistics that are collected as a way of making them valuable and useful and influential to the community.



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I think this is important because as you probably have noticed David Conrad, in particular, and OCTO in general has already been making the notice that having had these statistics updated and much more representative, we believe, they've also shown that DNS abuse as a threshold marker has clearly been going down over the past 12 months. There's been a very clear indication of the absolute numbers decreasing. And that's a good thing. And so we're very excited about that and appreciate the opportunity to have been doing that with them.

We actually are still continuing to work with them, and that's a good thing. We still have a particular couple of statistics we're trying to work out with them, how to calculate to get added there. So we're always looking to make it more useful to the community so that DAAR can be representative of the good work that is being -- is happening.

My last point will be that we've also had a recent interaction with the GDS, Russ Weinstein and a number of his team. And we're going to hopefully begin to work with them on some messaging processes that are -- that ICANN normally creates as part of DNS abuse. So we're hoping to be able to create better messaging overall with respect to what abuse looks like and what's being done and the successes that everyone is achieving.

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And with that, let me hand it off to Brian to tell you about some other activities.

BRIAN CIMBOLIC:

Thanks, Jim. Yeah, and I'll keep this brief. So Brian Cimbolic with PIR.

As well as the work that we're doing with OCTO, we're also trying to help inform the conversation at a broader level by putting out some actual outputs.

One of the ways we're doing that is building off the registry's prior work with the PSWG where we jointly drafted the framework for registry operators to respond to security threats. We've begun discussing with the PSWG a similar framework of dealing with malware and botnets at scale. It's something we're jointly drafting. We've begun that effort recently, but we think that there's a lot of progress that we can quickly make there.

I also want to note that we are putting out registry-specific recommendations as far as available actions. So to inform both registries that are dealing with DNS abuse as well as those who come to registries with potential DNS abuse, the available actions for registry operators, so to basically level set between both the

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notifier side and the registry side what tools a registry operator has available to it before it takes action.

So those sort of documents, we look to publish several of them over the next months, some of which more geared directly to the notifier side so that we can directly help inform end users and those that want to report DNS abuse, what goes into an effective notification to a registry or potentially a registrar.

With that, Sam, I think we hand it to the registrars.

SAMANTHA DEMETRIOU: Yeah, thanks, Brian. I think it comes makes sense to go through both sides and then we will come back to questions.

I think Reg is next up for the registrars.

REG LEVY: Thanks. This is Reg Levy from the Tucows family of registrars with Luc, and co-chair of registrar DNS abuse group.

And we're working closely with the registries and joining them in their outreach sessions to various stakeholders within the community to hear what their pain points are and how we can potentially help alleviate them and also basically just maintain that dialogue.

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There's a lot of misinformation with regard to DNS abuse, including what constitutes DNS abuse and whether or not it is increasing. So having those conversations and being able to present actual data is extremely helpful, we've found.

We're also working on a couple of initiatives, including the incentivization program, which is still in its nascent state but looks at incentivizing -- I was trying to come up with a synonym. I don't know why -- various registrars to help combat abuse on their platforms so that they get credit for being good for what we do every day.

And that is the bulk of my update. As I said, we're working closely with the registries. So what they said but replace "registrar."

SAMANTHA DEMETRIOU: Thanks for that, Reg.

Luc, did you want to add anything or should we go to Keith for the overview of the outreach?

REG LEVY: Luc and I had a quick back channel. So you're good to move on.

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SAMANTHA DEMETRIOU: Thanks so much, Reg. Sorry for missing that.

All right. So now we'll go over to Keith for an update about the outreach that the two working groups have been doing to other members of the community.

KEITH DRAZEK: Thanks, Sam. Hi, everybody. Can I be heard?

SAMANTHA DEMETRIOU: Yes.

KEITH DRAZEK: Okay, great, thanks.

Just really quick on the outreach, the contracted parties together through our DNS abuse working groups have been reaching out to other parts of the ICANN communities but within the GNSO and in other parts of the community to initiate some dialogue. And we've had some good feedback, actually some great feedback.

We've engaged already in a dialogue with the ALAC and the NCSG and the GAC's Public Safety Working Group, the PSWG. And we've

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had positive feedback from BC, IPC, SSAC, and a couple of other groups indicate -- and ccNSO, indicating that they were very interested in engaging in the dialogue with us. But they're sort of organizing themselves before the -- sort of the first conversation and dialogue with the contracted parties.

And the SSAC noted that they were interested in participating but wanted to wait until their work parties' DNS abuse paper was publicized or published. And I think we expect that to happen very shortly in the context of ICANN70.

So I think just to summarize, great outreach going on. Really good dialogue. We are looking forward to it continuing. We don't see these as one-off type of conversations. We see it as an ongoing dialogue to discuss what the contracted parties are doing with regard to DNS abuse, to better understand the pain points and the experiences of the different parts of the community with a goal of trying to move things forward as a community to address, mitigate, and to truly tackle the topic of DNS abuse from an infrastructure and a technical perspective.

So thanks for that.

SAMANTHA DEMETRIOU: Thank you, Keith.

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BECKY BURR: Thanks.

SAMANTHA DEMETRIOU: Becky -- sorry. I was just going to say, I think that's everyone from our side. And I just want to remind the attendees that if you want to get in the queue, please just write "hand raised" in the chat and we'll make sure to work that in.

BECKY BURR: Great. I think from the Board side, there are a couple of people who have questions.

Göran and then Maarten and then Danko.

GÖRAN MARBY: I don't know if it's a question more than I want to make sort of -- first of all, I think that we collectively have come a long way since we started talking about DNS abuse inside ICANN's ecosystem itself. We really started this conversation, at least with me in it, when we were in Bangkok 200 years ago before COVID. You remember the time we were traveling?

And I remember the initial reactions then, and I also very appreciative that you think DAAR now makes a difference for you

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because it was intended to provide facts to the community. Because that's one of the problems, and I think you're addressing it nicely, is that what is the definition of the problem itself. How big is it? How do you calculate it? How do you see it? And that's something that forms the discussion into the ICANN community.

I would say -- this is not something also that is helping in the ICANN community. You know that there are legislators around the world who are looking into the abuse problem, if I may call it that, to see if what -- if there is anything from a legislative proposal that needs to be done as well.

So that's I think something we collectively have to have a look on, because I believe that the ICANN community is better served based to what you make the decisions about this as well. And it should not handle -- the multistakeholder model for this is much better than I think legislation. I think we have seen legislation doesn't always produce the results that it's intended for.

The second thing I also think is whenever we have a conversation about DNS abuse, I think our colleagues in the country code operator space is important to invite to the conversation as well. We don't set policy for them. They're independent, but they're part of the solution.



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We have now more and more of the country code operators now coming into DAAR as well, which both provides a good benchmark. It also provides more data. But it also shows in part -- in some respect, we are all part of the same ecosystem.

So more observations. I want to congratulate you for all the work you've done for the last couple of years. I've been supportive in writing. I've been supportive in speeches about the things you've done. The latest thing is the initiative for PIR.

But also to some extent this discussion has moved outside ICANN with legislators looking at it as well. And don't forget working together with the country code operators as well. Thank you very much.

BECKY BURR: Thanks, Göran.

Maarten?

MAARTEN BOTTERMAN: Yeah. Also from my side, thanks. I mean, this is a discussion really fully engaged since Montreal, and it has been ongoing since. And it's not only that work has been done and, indeed, the voluntary - or the foundation set up by the PIR is a recent voluntary

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contribution to the system that will help better understand, it's an initiative that is very worthwhile.

It's clear that contracted parties care about this market to being a healthy market and to be dealt with in a proper way. And, of course, we recognize that there is the contractor policies.

So actually what we're thinking is, like, at what point would we think it would be wise to move forward and go one step towards policies rather than voluntary obligations or voluntary contributions as to ensure it's not only the good guys who take the lead but also that the overall -- the contracted parties would follow that.

So I look forward to hear more about your thinking about that as well: At what point would a policy make sense for you to go deeper in this.

BECKY BURR:

Thanks. Let's have Danko and then maybe we can have some discussion about the questions that have been asked in the past couple minutes.

DANKO JEVTOVIC:

Thank you, Becky.

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I'll play here with a bit of my role of use in the discussion about the DNS abuse because I'm asking this question not as a Board member but as someone from the review -- SSR2 review team member who is bringing a point of view.

So I believe that the question to the contracted parties is: Do you see that there are contracted parties that actually behave, to say it, badly? And do they need to be singled out? And what, in your view, would be a mechanism to do that? I'm asking this because I remember a discussion with the review team, and in a way, that was, in my understanding, one of the key questions they saw. They saw that there are differences, and they saw that there is a problem that needs to be done. And they made some recommendations.

But what would be your way of -- if you think they should be singled out, what would be your way to create a mechanism to do that? Thank you.

BECKY BURR:

Thanks, Danko.

Ashley?

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ASHLEY HEINEMAN:

Hey, yeah, this is Ashley with the Registrar Stakeholder Group. I just wanted to stake a stab at both what Maarten said and what was just said. First being I don't think we're -- well, I think at this stage, we don't see a need for there to be a DNS abuse policy because nobody has articulated on what. If we were able to get to a point where it was very clear what a policy was necessary for, if there was a gap that had been identified, perhaps we could have a conversation. But I just -- that is not visible at this stage.

When it comes to singling out companies, I think what we're seeing now -- and I'm going to steal something that Graeme used to always say. So I will apologize, Graeme, for stealing your thunder -- is that there's not willful actors out there, people intentionally being bad. I think what we're noticing is that folks who may not be living up to the same standard are doing stuff because they don't know any better. So I think perhaps maybe some of our efforts could be best spent bringing people's capacity up.

We're looking at ideas of how to better inform, talk about what our practices -- I won't say "best practices," I know that's a boogey word. What can we do to help ourselves? And I think we also run the risk -- if we start putting things in our contracts or

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elsewhere about you must be this high, we are just going to have a race to the bottom.

I don't think that it's necessarily helpful to create benchmarks because there's no incentive there to go above and beyond and to be innovative. It's just to say kind of at a stagnant level.

So I will stop there. I see other hands are up, but I figured I would take first stab at that one.

Thank you.

BECKY BURR: Thanks. Sam.

SAMANTHA DEMETRIOU: Thanks. And thanks, Ashley, for kicking that one off. I think it's key to communicate that we're not saying "never a PDP." We're not saying "never policy development to address the topic of DNS abuse."

I think the challenge we're facing is that right now is not the ideal time to begin such a policy development process. And that's because of a number of issues, as Ashley sort of underlined here.

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But one of the key ones is that as a community, we're having trouble even establishing a commonly understood definition of DNS abuse, right?

So last year the contracted party house went public with our -- with the definition that we use to understand the problem of DNS abuse. And they are very specific technical security threats.

And a big reason for that is because though are the things that registries and registrars have the ability to respond to and deal with in an effective manner. And I'm going to invite the leaders of our working groups to correct me if I have gotten any of that incorrect or to expand on that.

So I think the challenge that we see and sort of the fear almost that we have is that if we dive into policy development too quickly, we may end up in a situation where we have such extreme views in the community, that we may end up at the status quo. And I think we all agree that's not what we want. We all agree that we want to be working towards addressing this problem more meaningfully.

So, Danko, I thought you raised a really great question about this issue of singling out specific contracted parties with the understanding -- and some of my colleagues and members have noted this in chat -- that abuse is not spread equally throughout

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the entire industry, right? Not every registry or registrar experiences it in the same way. Not every registry and registrar responds in the same way.

And here's actually an area where I think there's some room for us to work with our colleagues in ICANN compliance to figure out places where our existing contracts and our existing requirements have some room to help move us all forward.

GÖRAN MARBY: May I make a comment about that?

SAMANTHA DEMETRIOU: Yes.

GÖRAN MARBY: I think that anything that changes in the contract, as you often point out, should come from a multistakeholder model. And, therefore, it should be -- it becomes a little bit strange if you for some reason want to go and speak to Compliance about certain provisions. If these are provisions -- you heard me say this before, that changes provisions in the contracts to do something should definitely go through some sort of community engagement process. And, therefore, you actually end up with a PDP.

I just want to say that because you can't --

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SAMANTHA DEMETRIOU: Göran, I totally agree with you. It is super important to remind everyone of that. And I apologize because I think that was just me misspeaking.

I'm not saying that we should work with Compliance to make modifications to the provisions of the contract. It was more working with Compliance to make sure that what is in the contract is understood by everyone in the community, right, and where -- without actually changing the terms, where there might be ability to better understand the issues here and to make sure that everyone's on the same page.

So one thing that we could consider exploring is about reporting, right, the registry and registrar requirements around collecting information, logging that information, and how that information gets reported to ICANN about actions taken on security threats.

So that's sort of what I mean. And these are very preliminary conversations. I'm not saying that we should necessarily go down any of these paths, just that there is room for us, I think, to explore some of these and see where that takes us.



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BECKY BURR: Thanks. I think those are really -- what you are talking about is sort of refining the understanding of how the provisions in the contract -- how we know that the provisions in the contract are being complied with, what kind of information is available to Compliance in order to understand whether a contracted party is complying with those provisions.

Do I understand that correctly? I think so.

SAMANTHA DEMETRIOU: Yes.

BECKY BURR: Great.

I'm not seeing any other hands at the moment.

Anybody else.

MAARTEN BOTTERMAN: If -- Sorry for not finding my hand.

BECKY BURR: Oh, okay. Go ahead, Maarten.

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MAARTEN BOTTERMAN: But thanks for this. And thanks as well. I mean, it's not -- we not want to jump into something here and now, but it's really to have that understanding how can we keep this space healthy together. And I hear you. It's first definition of what is in and what is out and that you want to do very fast steps. That's the current thinking, as I understand, in the Contracted Party House. Because, yes, I agree that most parties are willing to do the right thing, and there's always parties who don't. And what we need to do is protect this space from getting a bad reputation because of the bad actors. So that's why measures eventually, in some way or the other, need to come into place.

But I heard you, and I hear your concern also from Ashley, in particular, about the definition what's in, what's out.

Appreciate it, and really looking forward to next thoughts on that.

BECKY BURR: Sam?

SAMANTHA DEMETRIOU: Thanks, Becky.

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I think this is also probably a good opportunity to remind everyone on this call that the Contracted Party House is -- our DNS Abuse Working Group leaders are going to be holding a question-and-answer outreach session for the full community. It's scheduled for Tuesday of next week. I'm going to ask someone to drop the details into the chat, because I don't remember the exact time, but I think it's sometime in the morning Cancun time.

And we're going to have representatives from both registries and registrars. I'm actually pretty excited because we are also going to have one of our colleagues who is both a gTLD and a ccTLD registry operator available to participate in that. And it's going to be an open session where members of the community can come and really ask us anything. Ask what's on their minds, have a good open discussion about DNS abuse and ways to sort of meaningfully work towards helping resolve this issue.

So I want to just put in a little plug for that and note that we can continue this conversation, right? This doesn't have to -- this certainly won't be the end of it, but even for the next week we'll have another opportunity to engage on this. And we'd love to have as many board members as are interested in attendance as well.

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BECKY BURR:

I suspect you will have very good turnout from the Board based on the manner in which this is top of mind, clearly in the SSR2 recommendations, in the CCT recommendations, and sort of in the water table.

It was interesting to hear about the work that the contracted parties are doing with the PSWG on that. And one question I have is just are there any other discussions with other parts of the community that -- that -- you know, that are interested in this? I mean with PSWG, it's obviously a very immediate and clear connection. But Keith, I think, was talking about the outreach, but one question is, you know, what are the dialogues with ALAC, for example, which have been very active on this topic?

BRIAN CIMBOLIC:

I can jump in and take that, Becky.

So we did -- as Keith described, we had a number of outreach sessions directly, one of which was with the ALAC as well as the NCSG and a number of outstanding invitations as well. But both of those dialogues went very well and both asked for this not to be a one-off but a continuation. So we -- the plan is to have continuing dialogue, multiple sessions with both the ALAC and

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the NCSG. So that's a good sign that both constituencies we've met with actually want to keep talking about it.

But as -- you know the plans aren't fully fleshed out as far as the development of further documents around specific SO or AC needs, but I think the idea here is that we want to, in the Registry Abuse Working Group, help inform the conversation, help really target some low-hanging fruit. So the work that we're doing with the PSWG, the work on malware and botnets at scale, that's not even necessarily something that's controversial, but if we can come together and focus on that low-hanging fruit, we can get some really good work done.

And I think that with each constituency there is the potential of low-hanging fruit. With each one of those, there are issues that we can help identify where there are steps that registries or registrars can suggest or take to help address some concerns and needs from those constituencies, which is why we're looking forward to continuing the conversations with the ALAC and the NCSG and really sort of beginning the outreach sessions but continue the dialogue with the other SOs and ACs as well.

BECKY BURR:

Thanks, Brian. That's really helpful.

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Any other comments or questions? Anybody from the Board?

Yes, James.

JIM GALVIN:

Just to quickly build on Brian's answer there about the PSWG. I just wanted to point out that we've been working with the PSWG for quite some time, actually, and so it's been a long-running engagement with them.

The other outreach opportunities are fairly recent because we're just trying to add structure to bring others involved. So I just wanted the Board to be aware that we've had a long-running dialogue with those folks and we have an active work item in developing response for campaigns, domain generation algorithms, that kind of thing. ICANN does have some process.

We're trying to look to streamline that sort of thing. That's a bit of a technical detail, but in general, the important point is we've had a long engagement with them versus the more recent structured dialogues with others, and the outreach that we'll be having next week which is all recent. We're just trying to bring some more voices into the community and into the discussion.

So thanks.

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BECKY BURR: Great. Thank you very much.

We have a couple of minutes left, and I hate to sort of surprise people, but I just want to put this out for further discussion down the road.

We have -- the Board has received a letter from the IPC regarding the SSAD, and it raises difficult and complicated issues, I think. And I -- I think -- it raises all kinds of difficult and complicated issues, including the fact that it's a comment to the Board as opposed to the Council or the EPDP Working Group.

But as we go forward in the consideration of the EPDP recommendations and work through the operational design phase, I think it would be good to hear from the contracted parties on what your views on the SSAD are. But I don't want to put anybody on the spot. If anybody wants to be put on the spot and answer -- and toss something in, that's great. But otherwise, it's really just a plea for further conversation down the road.

SAMANTHA DEMETRIOU: Thanks, Becky. I'm going to fill a little bit of time here and allow folks, if they would like to get in, to note it in the chat so we can promote you guys to panelists to respond. But while we're doing

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that, a clarifying question from Michele is are you specifically looking for feedback and our views on the contents of the IPC's letter or on the SSAD more generally, or both?

BECKY BURR: I think -- I think both, but I mean I think that the question is understanding the utility of SSAD, understanding what you think the Board's role in a situation like this is where we've got a recommendation from the GNSO Council following the work of a policy development process. We're thinking through a lot of new things, but I think the question that I'm asking relates to both of those items.

SAMANTHA DEMETRIOU: Okay. I see Ashley's hand. Go ahead.

ASHLEY HEINEMAN: I'll take it.

BECKY BURR: Go ahead.

ASHLEY HEINEMAN: Others are going to want to say, perhaps, something similar.



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I think we're in a weird situation. I'm going to use official terminology here. We're in a weird situation. And I think we went through a very long process by which came up with recommendations as part of Phase 2. We got through Phase 2 and found that some of the stakeholder groups who participated voted against the SSAD in particular and voiced their concerns with using the SSAD as to whether or not they would use it at all.

So I think that created some questions as to, okay, we went through this process. I know at least from my side of the party house that we continue to uphold the recommendations that came out of that process, but there is a question as to whether or not there should be significant resources put towards a system that the benefactors of it have indicated that they don't want to use it. And who is then placed to make a decision on that?

I know that some view -- I won't look towards Göran on this -- think it's more of a GNSO decision point, and I think we would like -- or at least I personally would like to see perhaps the Board to take a bigger role in this from more a fiduciary responsibility perspective.

I think we might be in a weird point right now, because I think from the GNSO perspective, there's quite a few folks who believe the GNSO's role is not to be making policy decisions. They're

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there, you know, for a different purpose. And the Board doesn't believe they should be getting involved in policy decisions. So what's next?

And I will stop there before I get in trouble. Thank you.

BECKY BURR: You know, I think that Ashley --

GÖRAN MARBY: You're already in trouble.

BECKY BURR: Uh-oh.

I think you've actually identified a hole that we're struggling with, too. You know, to have the GNSO Council say, "Our role is simply to look at," you know, "whether the poli- -- whether the processes were followed, not -- not beyond that" does raise a question about the Board's role as we go forward.

Göran.

GÖRAN MARBY: As you pointed at me, Ashley, I have to comment.

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I mean, so we all understand, and you nailed the problem. I mean, the problem is that someone has to make a decision. And the Board is prohibited to change, amend, to come up with policy. And for instance -- and maybe this -- work -- this should be work done in the PDP, maybe it's done by the GNSO Council, maybe things of that should be done by the Board.

I think that what we need to do is actually sit down and we said that with the GNSO Council, have a discussion. It's important for me and it's important for the Board that we don't become a place where we sort of change or amend or come up with new policies.

The question if a policy should be done should be handled by the GNSO Council. I truly believe that because that's how the multistakeholder, as we decide it, should be set up. And it's set out by you, community members, and the Board's role is different.

I think we reached the point where we just need to discuss it and come up with it so we can live with it so next time this problem comes up, we actually know what to do.

This is not the first time in ICANN's history. Not even the first time in the five years I've been here. We have the Rec 7 discussion, for

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instance, which is one of the (indiscernible) of this. We just need to talk about it.

And what the ODP will provide is, you know, it will at least provide a lot of factual information to how to proceed from that. And I think many of those questions will be interested -- the GNSO Council and the GNSO will be interested to talking about them.

So, but, you know, we have our roles. It's set in the bylaws. Let's bridge over them by having communication.

Thank you.

BECKY BURR:

Thanks, Göran.

Sam.

SAMANTHA DEMETRIOU:

Thanks, Becky. I think overall the letter itself is still pretty fresh and new for us, and I think we probably need to spend a bit more time. So I guess I'd like to ask that we he reengage on this when we have more than five minutes left on the call but when we've also had a bit more time collectively to come up with a cohesive response to the questions you raise, because they're good

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questions, and like Göran just said, it's worth us having these conversations, right? It's worth talking some of these out and digging through these a little bit more.

I think it is incredibly important to make sure that each of the levels in our community has a very strictly defined role and sticks to those roles, but that doesn't mean that we can't break down the silos to get together to discuss things, you know, as -- as they come up.

You know, the SSAD is a -- it's a particularly complicated beast, right? And everything that's been related to the EPDP and data privacy and data access is complicated by the existence of an external legislation, right? And I think that is a unique challenge for folks in the ICANN community, and we're all still sort of figuring out how we deal with that and how sometimes the policy outcomes that we want cannot -- they can't come to fruition because there are external factors here.

And so I think that's something that we all collectively just need to keep in mind when it comes to the SSAD and other related policy outcomes.

But let's definitely come back to this conversation. I don't think we have to wait until ICANN71 -- is it 71 the next one? I'm sort of

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losing count. We would be more than happy to engage on this, or bring up maybe a smaller group of folks who are more directly interested in this to engage with the Board. Consider this an open invitation for a follow up.

BECKY BURR:

Great. Thanks.

And that is a good place to start wrap ups here.

Thank you all for joining us and having this conversation. I know we have been struggling collectively to have a less scripted, more conversational style engagement. And this certainly felt more -- more of an engagement, more of a conversation than some of our discussions.

I agree with you, Sam, there's no reason we need to wait till ICANN71. These are hard questions that the Board is thinking about right now, and input from the community, from all parts of the community, is something that we are going to be seeking. And whether it's convening the entire board and the entire Contracted Parties House or a smaller groups of contracted parties with the relative Board caucus group, that can always be arranged. And I think the Board is happy to have those exchanges. So here's to more of them.

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Sam, I'm going to give you the -- you and Ashley the final word.

SAMANTHA DEMETRIOU: Thanks so much, Becky. I just want to extend my thanks to everyone who came to this call today. Thank you guys as the Board for your input, for your feedback and questions. It's always very interesting. Thank you to everyone who attended.

And agree, let's -- you know, let's keep the dialogue going. Let's keep the doors of communication open. And we look forward to the next time we get to chat.

Ashley?

BECKY BURR: Great.

ASHLEY HEINEMAN: Yeah. What she said. But I -- I like this, and I like having these opportunities where we can be frank with each other, maybe cut through some of the you-know-what and just get down to brass tacks and figure out a way to go forward. So continue the conversation, whether it's on SSR2 or SSAD. I think looking forward to it. I know I'm looking forward to it. Thank you.

BECKY BURR:

Great. You can convince yourself you're looking forward to it.

Well, thanks, everybody, for this conversation. And as Göran would say, here's to the best ICANN meeting ever.

So bye-bye. Signing off. Good-bye, everyone. Bye.

**[ END OF TRANSCRIPT ]**