ICANN67 | Virtual Community Forum – At-Large Leadership: Welcome to ICANN67, At-Large Talking Points and Policy Platform
Monday, March 09, 2020 – 12:30 to 13:30 EST

SILVIA VIVANCO: Hello. I hear an echo.

MAUREEN HILYARD: I heard that echo too, Silvia.

YEŞIM NAZLAR: Silvia, could you please make sure your Zoom Audio is muted if you are speaking through the phone bridge.

SILVIA VIVANCO: Yes. Okay. I have it muted. There is no echo now.

YEŞIM NAZLAR: Okay. Perfect. The echo is … Yeah. All good. And clear audio for you also. Thank you.

TIJANI BEN JEMAA: Hi, Yeşim. Are you hearing me well?

YEŞIM NAZLAR: Hi, Tijani. Welcome. Yes. Loud and clear.

TIJANI BEN JEMAA: Thank you.

HEIDI ULLRICH: Hi, everyone. This is Heidi doing an audio check.

YEŞIM NAZLAR: Welcome, Heidi. Loud and clear.

HEIDI ULLRICH: Perfect. Thank you. Thanks, Yeşim.

YEŞIM NAZLAR: Sure.

JONATHAN ZUCK: Hey. It's Jonathan testing audio.

YEŞIM NAZLAR: Welcome, Jonathan. Loud and clear also.

JONATHAN ZUCK: Thank you.

YEŞIM NAZLAR: Sure.

MAUREEN HILYARD: Claudia, are they trying to get through on the line because I'm not getting a call. It's not coming through.

YEŞIM NAZLAR: Maureen, I'm just going to check with Adigo to make sure that they're dialing out to your New Zealand number. Maureen, Adigo says that they are trying your New Zealand number. So, seems like it's not ringing. We'll make sure to retry once again.

MATTHIAS HUDOBNIK: Hello, everybody. Mattias Hudobnik speaking. Can you hear me?

YEŞIM NAZLAR: Hi, Matthias. Welcome. Okay. Good morning, good afternoon, and good evening to everyone. This is Yeşim Nazlar from At-Large staff. Welcome to the ICANN 67 Virtual Meeting and the At-Large Leadership Session. Welcome to ICANN 67 At-Large Talking Points and Policy Platform Virtual Session, taking place on Monday, 9th of March, 2020 at 17:30 UTC.

The Zoom Room audio is in English. In order to access the French or Spanish audio, please join the French or Spanish stream. We have the link on the main ICANN 67 website. All details were sent out on the ALAC-Announce list with all relevant links. Details for these

connections can also be found on the ICANN 67 At-Large wiki agenda pages.

We will not be doing the roll call today for the sake of time but ALAC members, RALO leadership, and liaison attenders will be noted.

If you would like to ask a question or make a comment in English, French, or Spanish, please type it in the chat by starting and ending your sentence with "question" or "comment." And please keep them short if possible. French or Spanish questions will be translated into English and read aloud by our remote participation manager, my colleague, Claudia Ruiz, or myself, Yeşim Nazlar. Staff will put periodic reminders of this process in the Zoom Room chat.

If you are in the Zoom Room and wish to speak, you may also raise your hand and staff will manage the queue. A kind reminder to please state your name when you speak, not only for the transcription purposes but also for the interpreters [inaudible] the audio streaming. Please also speak clearly at a reasonable speed to allow for accurate interpretation.

Finally, this session, like all other ICANN activities, is governed by the ICANN expected standards of behavior. I have put a link in the chat to those standards for your reference and will be sharing once again. So, without further ado, I will hand the floor to Maureen Hilyard, Chair of ALAC. Over to you, Maureen. Thank you very much.

MAUREEN HILYARD: Thank you, Yeşim. I hope everyone can hear me. I'm on a pretty unstable line this morning and I hope that it lasts at least 15 minutes of my session. But good morning, good afternoon, good evening to you all. I'd like to welcome you all to this introductory session for At-Large at our first ever virtual ICANN conference.

Although I know we have participants today who are from all five of our regional organizations, I would like to give a special welcome to those from the Asia Pacific Region, for whom much of this conference this week will be held literally in the middle of night. I'm on the far east of the region and it's 6:30 in the morning, which is actually quite a civil hour. But there is a nine-hour time difference across our region. So, if anyone here from Asia Pacific has woken up especially for this session, I think you so much.

Yeşim, could I have the PowerPoint presentation that I sent to staff? Thank you very much. Okay. So, welcome to everyone. Could I have the next slide, please?

Let's see what we've got in store for you this week. That's my job this morning. Just as a reminder, because time zones can be so confusing, I've given UTC times, which is our standard, so that you can convert them to your own times in your regions.

For our regular attendees, you will see here that for this week, we've just a small sample of our usual nearly 20 meetings or so that the ALAC regional leaders and At-Large working groups normally put together for a face-to-face meeting. But with such short notice, even putting

together the short set of items was not exactly a piece of cake. But I have to thank the leaders of each of the sessions for their persistence to make these sessions happen. And I know you'll find them very interesting and informative, so please come along.

As you can see, number one, the At-Large sessions actually started on Saturday with a meeting of the leaders and members of the African Regional At-Large Organization, or AFRALO, who presented a paper on DNS abuse that their regional members have been working on. And it was an excellent meeting and great start to our remote conference.

As you can see, we have a leadership session at the start and end of our program, which is pretty normal. And this one, of course, is the introduction to ICANN 67. And as soon as I've given this overview, I'll be passing the mic over to Jonathan Zuck from Los Angeles, who is the ALAC Vice-Chair of Policy to introduce this week's talking points. And I'll let him explain and tell you all about those.

Then, later in the session, he will join the Vice-Chair of Outreach and Capacity Building, Joanna Kulesza, from Poland, where they will explain our At-Large policy platform. Policy is one of our key tasks in At-Large and the platform is a strategic approach to policy development in At-Large.

Jonathan is very much our main man today because straight after this session, after only a short break for him and our French and Spanish interpreters, he will be taking two policy sessions today on our main conference topic, which, of course, is DNS abuse for At-Large. One is

an introduction to DNS abuse specifically geared for At-Large. It's a call for action. But the next session is a more technical approach to DNS abuse from the perspective of contract compliance. And he'll be talking to ICANN's head of compliance as well as the Vice-President of Policy from GoDaddy. So, interesting people.

Policy sessions continue tomorrow with Holly Raiche, one of our ALAC members from Australia, who will discuss DoH/DoT threats and challenges with a number of guests, including Rod Rasmussen, who's the Chair of SSAC, the Stability and Security Advisory Group, and Paul Hoffman, who is our principal technologist in ICANN. So, we've got some very interesting people joining in our discussions.

And on Wednesday, Joanna will introduce a set of experts from the ICANN Board, as well as SSAC and other key areas, to discuss cybersecurity and geopolitics in a multistakeholder environment. These are all looking to be very interesting sessions so I do hope that you come along and listen in.

And of course, in between these sessions, we will have meetings with the ICANN Board and the ALAC. In this particular session, Jonathan will lead a conversation about DNS abuse, as well as a PIR.org issue. And we will also have a meeting with the Governmental Advisory Committee, the GAC, where we will have our own policy experts, Justine Chew from Malaysia on new gTLD Subsequent Procedures, and Hadia Elminiawi from Egypt and Alan Greenberg from Canada, who are our EPDP on GDPR reps. And they will giving the GAC an

update, explaining our current perspectives with regards to these issues.

For those of you who are new, these acronyms are not going to sound very familiar. But all of these reps have spent years discussing these topics here in ICANN under the multistakeholder model. And they've represented At-Large on these policy working groups the whole time. So, come along and support them and learn more about what these acronyms actually mean.

The week for At-Large will finish with a leadership session, which is a wrap-up. It's going to include some evaluation of our experience this week, no doubt. But as well as that, there is an opportunity for At-Large to speak with Maarten Botterman, the ICANN Board Chair, as well as Leon Sanchez, the Board's Vice-Chair, and Göran Marby, the President and CEO, about what is on top for ICANN, especially after ICANN 67. Can I have the next slide, please?

To finish off with, I just want to quickly go over some of the other sessions that I would recommend that you drop into if you can. Of the ICANN sessions, there's actually … These are the public sessions, which anyone can join in. There are only three left and they're all on Thursday—the Public Forum, Q & A with ICANN Org Executive Team, and, of course, the Public Board Meeting that ends the session. And they are fairly … I'm sorry I didn't get to the early morning session, which was at 3:00 AM for me, which was something I just wasn't able to get up for. But I will make sure that I'm there for the final one.

The next slide, please, which is the last slide. This is the other sessions that are being held in other parts of the ICANN community. And they're actually sessions that, if you … They're on the main schedule so that you can check out the times of anything that you might be interested in. But it will give you an idea of what else is happening in other areas of ICANN so that if there's anything that … Please do come if you have got an opportunity. But these are the sessions that are in between ours. There are some that might roll into one of our sessions but they'd be very good sessions for you attend if you would like to.

So, that's what's on for this week. I hope that you can join in. But we're going to start our At-Large program with Jonathan and Joanna introducing the talking points and the policy platform. Just before we go, though, are there any burning questions that anybody has about the program this week? Thank you very much. Okay. It's over to you, Jonathan.

JONATHAN ZUCK: Thanks, Maureen, and thanks for the overview of the sessions that we have coming up. It is worth noting from the chat that the DNS Abuse and the At-Large Call to Action session is missing from some of the publicly published schedules. So, please do look at the schedule that Heidi Ullrich has posted in the chat to get the link for that. We'd love to have everybody from At-Large be a part of that session. It's really directed at members of At-Large or potential members of At-Large to talk about our interest in really owning the topic of DNS abuse inside the ICANN community. So, hope to see you in that session.

One of the things that we have begun to do with every ICANN meeting is, at this first get-together, talk about some of the sessions that are coming up that might represent opportunities for members of the At-Large to speak up, or to make a point, or ask a question that helps reinforce some of the messages that the At-Large have agreed on and have been putting out there into the air, whether it's in the form of public comments, or letters to the Board, or submissions to working groups, etc. As we do our work, these things cull into talking points. And so, we go over what our main points are and some of the opportunities to bring them out.

This is our first time trying to do it in a virtual meeting, so everything's a new experiment this time around. But I wanted to go through some of these high-level points. And then, hopefully Evin will be able to bring up a list of the sessions in which it seems as though there'll be opportunities to speak up. And I hope that you will all, when you attend some of these sessions, give some thought to making some of these points, if given the opportunity. So, next slide, please.

So, if we think about the main discussions that are going to be taking place during this meeting, they include DNS abuse, of course, because we've put it on the agenda four times; the acquisition of PIR by Ethos and the recent PIC commitments made by Ethos and PIR. There's several sessions for Subsequent Procedures and there are a number of topics of importance to the At-Large.

The issue of PICs themselves is becoming more and more important because it's coming up in a number of different contexts. So, want

everyone to have a sense of where we are on this issue of public interest commitments or PICs and what some of our talking points are about that.

The EPDP is going to be discussed quite a bit. The GDPR is an ongoing umbrella topic that has faced the ICANN community for quite a while now. And the At-Large are very interested in how those discussions turn out and the impact that they'll have on consumer protection. And then, finally, the reviews. There may not be as many opportunities to talk about the state of some of the reviews. But in case you end up in conversations in chat rooms with people—that will the virtual version of a hallway or the bar, I suppose—it's just good to know where we stand on some of these related issues. So, next slide.

DNS abuse has become almost a mantra for the At-Large. We're making a real effort to make this one of two of our most significant points for this year because we consider it to be the number one issue facing individual end users. If you just think about the average person that's trying to use the internet and not engaged with ICANN directly in any way, they're not trying to register a domain name or apply for a new string, a new gTLD. They're just trying to use the internet to go about their business, check their financial records, make travel reservations, and other such activities. The biggest issue they have is with DNS abuse.

And so, one of our main talking points on this is that any new round needs to wait for substantial reform in the area of DNS abuse mitigation. It's easy for things to seem to have no momentum inside of

ICANN for very long periods of time and to suddenly have all kinds of momentum behind them and take on a kind of steamroller speed all of a sudden, in which some things fall to the wayside. And in 2012, the At-Large was very vocal about ICANN not really being operationally ready for the new round in a number of different ways. And we were vindicated in expressing those concerns. There was kind of a mess when names started being added to the root. So, we want to make sure we hold up a new round for some substantial reform.

So, specifically things we're recommending, one is some kind of abuse threshold for top-level domains. There were some new top-level domains, such as .science, that had better than 50% of their registered domains were being used for abusive purposes. These are malicious registrations. It's not even counting the sites that were taken over later, unbeknownst to the registrant. And so, we really want to see thresholds for gTLDs, beyond which action is taken by Compliance against those registries.

We're looking for more holistic tools for Contract Compliance. The issue here has to do with the fact that Compliance is architected around receiving complaints and addressing specific complaints. And there ends up being a chain of events in which Compliance reaches out, the organization gets back, and it goes back and forth, and then nothing really comes of it but everybody has checked the box that they've communicated. But what contract compliance lacks is the ability to deal with the notion of systemic abuse.

So, looking at a gTLD as a whole is something that they're not in a position to do and that's one of the things that has been recommended both by the review of Competition, Choice and Trust, as well as the Security and Stability Review Team, that these more holistic tools be put in place.

We're also recommending that there's more research into machine learning around DNS abuse. The area in which this machine learning helps is in the idea of predictive mitigation of abuse.

There've already been some early experiments with .eu and .uk where they're able to look at patterns associated with registrations and predict with nearly 80% accuracy that those registrations are going to be used for abusive purposes. And in those instances, they just create a pause and require more information from the registrant. That's already had a significant effect. So, again, dealing with things systemically, or in advance, or preemptively could be a very powerful thing and we think that ICANN should take the lead in doing some of the research.

Increase friction for bulk registrations. It's long been the case there's a high correlation between bulk registrations and DNS abuse. There's instances in which people are able to ask a registrar to just randomly generate huge lists of TLDs for them to register. And those are often used for abuse. There are legitimate interests, certainly, but there's a high correlation with abuse. And so, increasing the friction for bulk registrations is something that we've been recommending.

And then, finally, this is part of our discussions around the EPDP but we need to decrease the friction for access to registrant data, both for consumer protection agencies and then those agents that are working on our behalf, such as cybersecurity researchers, and reputational databases, and even intellectual property folks because there's such a high correlation between infringing sites and malware.

So, these are our basic recommendations and some of the talking points about DNS abuse. I'm happy, if anybody has a quick question, or else I'll move on. Okay. Next slide, please.

Another big topic of conversation—we already began to have this conversation and so both Olivier and I spoke up on the session earlier today—is the acquisition of the Public Interest Registry by Ethos Capital for a little over a billion dollars.

There's a lot of heated debate within the At-Large and there isn't complete agreement on several issues. There are certainly those within the At-Large that feel like no commercial entity should run the .org domain. But what we were able to reach consensus on is that if the sale goes forward that there should be substantial framework in the contract—revisions to the contract—that would help enshrine some of what made it such a reputable domain.

And so, the way that this would most likely take place is with public interest commitments. Recently, Ethos and PIR have announced some public interest commitments related to PIR, the idea being that if these are built into the contract then these commitments would

ICANN 67
VIRTUAL COMMUNITY FORUM
7–12 March 2020

remain enshrined in the contract for .org regardless whoever ends up with the contract.

And so, the idea here is to get them to expand the PICs that they had promised, specifically the PIC specs that they had gave the advisory committee that they formed, the Stewardship Council, veto power over policies that had to do with privacy or free speech, which were some of the concerns that were raised. But there is not any clear indication of how that Stewardship Council will be appointed. And if they all just become yes men to the board of PIR then they're going to be less effective in using that veto power. So, we support this move to reopen the contract and insert PICs but we think they need to go further.

One of the things that we've been pushing for in particular is board membership by nonprofits. This is going to be a very difficult battle to win. Companies obviously don't like to have dictated to them how their board is selected. But currently, ISOC picks the members of the PIR board and so there's already the idea that the board members would be chosen in such a way as to have nonprofit interests at heart. And so, we'd like to see some of that going forward, with the reserved board seats for the representatives of nonprofits.

We'd also like to see reserved seats on the Stewardship Council for NPOC, which is the group inside of ICANN that represents nonprofits, and for ALAC because in addition to nonprofits, end users are the most frequent users of .org domain names.

We'd like to see further DNS abuse commitments. PIR has actually been a pretty good actor in this space for some time and we want to see that continue. And so, some of the things that we're asking have happened around DNS abuse, we think PIR would be a good place for some of them to begin.

And then, finally, enshrine the focus on nonprofits and individual registrants into the contract. This is something that will require a lot of wordsmithing because it's a little bit vague. But many of us are concerned, less with who's running PIR and more with who they're going to try to solicit as members. And while it has not been exclusively nonprofits and individuals that have registered those names, it's been mostly those folks. And as a result, .org has had a good reputation. And so, if it's really broadened beyond that community, it could really begin to undermine the public credibility of the .org domain. So, finding some way to enshrine those good intentions is something that we're looking for as well.

Okay. Any questions about that? Thanks, Sebastien. Yeah. At-Large. Not necessarily ALAC. That makes perfect sense. Thanks, Sebastien. Marita, please go ahead.

MARITA MOLL: Hi. Can you hear me?

JONATHAN ZUCK: Yes, I can.

MARITA MOLL: Oh, okay. I was on the call earlier this morning, the public call on PIR. And Kathy Kleiman … And thanks for your interventions on there. They were great, you and Olivier. One of the things Kathy Kleiman said that interested me was that there need to be more foundational, structural changes that could help improve the situation.

I see we've got board membership by nonprofits are essential. Would you say that's actually a structural thing? I think it is, within the makeup or the way that the new corporation would be structured. If board membership by nonprofits was essential, that would be a structural change. And I was also going to ask if you had any more ideas, Jonathan, about what other structural changes she might have been talking about.

JONATHAN ZUCK: Thanks, Marita. Yes, Kathy brought up a number of interesting points in the public forum. I don't know specifically what she meant by structural changes but I certainly think that having seats reserved for nonprofits on the board would be certainly a structural change over what's being proposed. Ironically, there is nonprofit participation on the board today so we're really looking to preserve some structural elements that we're afraid might change.

Kathy also expressed some concern about the use of public interest commitments. And so, there was a little bit of a discussion about whether or not they provide the right foundation for building things

into the contract. I think both Milton Mueller and I were arguing that they're the best mechanism that we have for making changes to the contract in such a way that they could be enforced both by Contract Compliance or via the PIC Dispute Resolution Procedure. And so, both of those things are probably the best way to enshrine new elements into the contract.

But beyond that, I don't know what other structural things she might have been implying, except maybe her being a fan of the redelegation of the contract, which I think most of us are not confident would talk place.

MARITA MOLL: Just to follow up, Jonathan. At one point, we were talking about trying to make sure that the new corporation would be more open than standardly a for-profit corporation would be, like they would publish more as far as minutes are concerned. There'd be more openness, as far as board meetings were concerned. That's a little bit structural as well, in that it's not all that common to have that in a board of this nature. So, that would be a way of going a little further if we wanted to. Thank you.

JONATHAN ZUCK: Yes, Marita. I think that's a good point and a really good reminder that one of the topics that has gotten a little bit lost—and I forgot about it as well—is, in fact, the structure of PIR. There's a decision by Ethos to make it no longer a nonprofit but convert it to a for-profit operation.

But early on, they were talking about potentially using a type of incorporation, called a B Corp incorporation inside the United States, where there is a little bit more accountability for a company toward the public interest. And somehow, that got replaced by these PICs. It probably would behoove us to bring that up again because they're certainly not mutually exclusive.

It's also worth mentioning that there's currently an open comment period being run by PIR itself—so, not an ICANN public comment but one being run by, I think it's Key Points for Org is where they are, keypoints.org, that they're doing an open public comment. And so, the At-Large should consider responding to that public comment as well and bringing back that idea of how they incorporate or reincorporate PIR because that would certainly be a structural difference as well. Thanks for the reminder, Marita. Sebastien?

SEBASTIEN BACHOLLET: Thank you very much, Jonathan. I am not a lawyer at all but I guess the question of a B Corp and PICs, we need to know about that because I am not sure that having two place where you put your commitment with two type of groups or structure in charge of following what is done, one is a US legal entity with a US federal department or one place in US and the other it's ICANN and the community, it's compatible. My understanding, it's why they are choosing just to take one and they are choosing the one with ICANN because it's enforceable both by ICANN and the community, and even by people using the .org. But once again, I am not a lawyer. Thank you.

JONATHAN ZUCK: Thanks, Sebastien. I'm not a lawyer either. And so, let's take that on—the B Corp status—as something that maybe we look into. And maybe we can put Greg Shatan on it and discuss it in the CPWG because it might make sense for us as a group to file a comment as part of this public comment period. One of the questions they have is about that B Corp status. So, let's, as Heidi mentioned, make sure to bring that up as part of the CPWG. Olivier, please go ahead.

OLIVIER CREPIN-LEBLOND: Thank you very much, Jonathan. That makes three of us not being lawyers. But we do have to recognize, I think, in this matter the limitations of what the PICs can do, especially when it comes down to the ICANN remit as I've mentioned in the other call.

The concern that I do have is that, at the moment, what's being seemingly proposed is to replace the B Corp, that would have englobed a whole number of points that would be enforceable one way or other—I'm not quite sure how, but in court or whatever. As I said, I'm not a lawyer, but enforceable because it was there—with something under the PICs, where many of the points that are being made or the proposals that are being made are not enforceable. As you know, anything that's not enforceable is not really worth much. So, what you mentioned as to one doesn't replace the other, they are not mutually exclusive, would also be what I would suggest.

And dropping the B Corp in favor of just PICs is something that also is probably difficult for people who are not ICANN insiders to navigate because already the PICs and all these are internal ICANN processes which, of course, are there for anyone to use. But often, those very people that are there to defend people—lawyers, in other terms—are actually particularly more knowledgeable about common law and about commercial law than about the type of processes that we have inside ICANN. So, that's it. Thank you.

JONATHAN ZUCK: Thanks, Olivier. It's definitely a very good point. One of the challenges associated with PICs, and that you brought up in the session this morning, is if the PIC has to do with something that's really outside of the scope of ICANN's remit, Compliance has had a real resistance to enforce and somewhat understandably because a PIC could be about anything. As you mentioned, there could be a PIC commitment to cure the coronavirus. How is it that Jamie's group at Contract Compliance would be able to assess their efforts in that regard?

So, that's where the PIC DRP comes into place and I think that's why it's critical that certain reforms happen around PICs, so that we know what falls in and out of Compliance's purview and that we have alternative ways to address issues that come up. Marita, is that an old hand?

MARITA MOLL: No. It isn't.

JONATHAN ZUCK: Oh, okay. Go ahead then.

MARITA MOLL: I just wanted to say that I think I just read that because it's incorporated—PIR is incorporated under Pennsylvania law—they cannot simply turn themselves into a for-profit organization. There are rules around nonprofit organizations and how that can … Maybe it has to completely dissolve itself and then become for-profit. I don't know what the rules are, not being a lawyer either, but the whole business of the B Corp has just come up again lately in some of the things I've read.

So, we mustn't let that drop. That may be something that's now being considered out of necessity. And I wonder whether this group is regretting they ever made a try at changing the way that PIR is working. Thank you.

JONATHAN ZUCK: Thanks, Marita. Let's definitely do that. Joanna?

JOANNA KULESZA: Thank you, Jonathan. Thank you for the great introduction and great presentation. I was trying to reflect this opportunity that this meeting presents in the chat but I figured it might make sense to make my comments audible as well, for those of you who are not following in

ICANN 67
VIRTUAL COMMUNITY FORUM
7–12 March 2020

the Zoom Room. We have 128 participants. We've heard from a few of those participants who are well-established members of the Consolidated Policy Working Group.

What I wanted to highlight during this session is that these are just talking points. So, if anyone feels strongly or even not so strongly about any of those issues, we hold weekly calls where the details, as you guys are discussing them now but maybe there are different perspectives to be taken, are regularly discussed. I just wanted to make a public announcement here. This is where we stand, in terms of that discussion right now. And thank you for presenting that so brilliantly and so briefly, Jonathan. But we all understand that there are many issues behind each of these and all of us have different positions.

So, I just wanted to grab this opportunity to highlight that there are regular weekly meetings where we discuss these and there is a mailing list. So, if there is anyone listening in, thinking this is a fixed position, it is not. So, I just wanted to wave my hand and highlight the opportunity for everyone to join us and to help us figure out where we stand. Thank you.

JONATHAN ZUCK: Thanks, Joanna. Yes. Obviously, this session could quickly turn into the CPWG call, where everyone loves to attack my slides. We have to keep moving on. Next slide, please, because we're going past our allocated time but it should be okay.

ICANN 67
VIRTUAL COMMUNITY FORUM
7–12 March 2020

The next big issue is the Subsequent Procedures. And for those of you that are new, Subsequent Procedures is a garbled way to talk about a new round, potentially, of global top-level domains and what the new rules and regulations around that new round should be.

So, again, as we mentioned earlier, one of our main points is there's no rush for new round. There's no one asking for it except for the people that want to create new TLDs. And as we've said, we want to wait until there's significant DNS abuse mitigation reform and that we want to see completion of the studies being done by the Security and Stability Advisory Committee. So, those are some points about not rushing.

The At-Large has also had a focus on communities and so we want to make sure that community priority evaluation is something that we try again, even though it was a little bit of a failure in 2012. And so, we've been, through our amazing liaison with subsequent procedures, been making some suggestions to how these things might be improved that Justine has been delivering for us.

Beyond that, we haven't reached consensus on this ourselves but we think there's still more work to be done on figuring out the best way to handle geographic names. Neither the At-Large nor the GAC have completely reached consensus about what should be different. But I think there's some consensus that the process that took place in 2012 wasn't sufficient. So, that's something that we continue to discuss.

And then, finally, a focus on underserved regions is also important and related for the At-Large. And so, we have a close eye on the provisions for applicant support and what needs to happen beyond just helping with the application fees. And then, here, further geo name discussions come up as well.

So, those are the main talking points for Subsequent Procedures, when those conversations come up. Any questions there, quickly? Okay. Next slide.

So, one of the topics that's coming up in a number of different contexts are these public interest commitments themselves. For those who don't know, these PICs are part of contracts that ICANN signs with registries when they are trying to put a new string out—a new top-level domain.

And so, there are some mandatory public interest commitments but the ones that we're most interested in for this conversation are the voluntary ones. The most obvious example might be that the applicants for .bank made a public interest commitment that they would only allow actual government-authorized financial institutions to apply for .bank domain names. And so, that's a public interest commitment. And as such, it's enforceable in the contract.

But as you might imagine, that would be a difficult thing for Compliance to get engaged in enforcing. And so, figuring out the way to merge these two, to Olivier's point, is part of what we need to try and address. And so, some reform is necessary in how public interest

commitments are managed inside ICANN, in order for them to be as effective as they can.

But at this point, we support both mandatory and voluntary PICs. The voluntary PICs are really the ones about which there's some real question at the moment. ICANN has made some improvements to how they handle them but we need more. Enforcement's been insufficient because of scope.

So, one of the things that we're thinking about trying to push for is that Compliance would perform an enforcement assessment for each voluntary PIC. In other words, before an application is accepted by ICANN, Compliance would publish an opinion on which of these voluntary PICs they think that they would be in a position to enforce so that we know upfront whether it's enforceable by Contract Compliance or will need to be enforced by other means.

And then, we want threshold dispensation for PICs that are used to address GAC objections because in certain instances, these public interest commitments are made to overcome and objection that was made by the Government Advisory Committee. And if that's the case, then it's even more important that the PIC be enforced. And so, we need to make sure that there is some pathway to enforcement for PICs that are used to overcome GAC objections.

The PIC DRP has been challenging because of standing, in large measure. One of the key problems with the PIC DRP, which is the Public Interest Commitment Dispute Resolution Procedure … One of

the biggest challenges has been that you have to be someone that has proven to have been harmed by the non-implementation or nonenforcement of that PIC. And that's made it difficult, in particular for the At-Large, for example, to participate and try to pursue a PIC DRP.

So, one of the things that we've thought about is that ALAC should be preauthorized to bring a PIC DRP on behalf of end users generally, almost like a class action suit, if you will. ALAC must have a budget to bring some number of PIC DRP proceedings. And then, finally, ICANN must not limit the scope of the PIC DRP instructions to ICANN's remit.

So, the other problem is that ICANN would go out and hire a third party to adjudicate the PIC DRP but then give them instructions, much like a judge gives instructions to a jury, about what they can think about and what they can't think about. They would give instructions to this third-party entity that would overly limit their ability to rule in favor of the complainant in the PIC DRP.

And so, those are three big things that we think are necessary reforms for PIC DPR to be as effective as it needs to be, given how important PICs are becoming in the way we look at TLD strings. And .org is no exception. Any questions on that? Marita, go ahead.

MARITA MOLL: Yeah. If a PIC is voluntary, then what grounds would you have to enforce it, if it's voluntary?

JONATHAN ZUCK: Thanks, Marita. Voluntary is a strange word, unfortunately, that causes some confusion. But the distinction between mandatory and voluntary PICs really just means that mandatory PICs are ones that were imposed at the outset by ICANN on all applicants. So, that was a result of some issues that were raised by the GAC, that led to some very specific public interest commitments that were part of every contract.

But in addition to those, an applicant, as part of their application, can say … For example, . bank will say, "We're only going to let banks apply for strings in .bank. So, we're voluntarily adding that to the contract." But the point is, by the time it's in the contract, it's no longer voluntary. They volunteered to add it, just like PIR's volunteering to add PICs into their contract. But once they're added, they cease to be voluntary. I hope that makes sense.

MARITA MOLL: Thank you, Jonathan. It's just that I've been hearing so much about how voluntary PICs are unenforceable. So, this is a very confusing wording but I understand your explanation. Thank you.

JONATHAN ZUCK: It is. Yes. And there are problems with enforcing them but it's not because they're voluntary. I hope that makes sense. Okay. Next slide. Thanks.

So, Heidi's reminding me that we're running low on time for this topic so it could it be that we don't spend a lot of time on the policy platform. We'll see. Oh, and Marita, you said Maureen had her hand up? Maureen, did you want to say something?

MAUREEN HILYARD: Thank you, Jonathan. That was a just a little time check. That was all. Thank you.

JONATHAN ZUCK: Okay. Thank you. The EPDP is the Expedited Policy Development Procedure around the GDPR and around privacy for registrant data. Our main points on this is that DNS abuse prevention is challenged now, just because of how dark that registrant data has gone. So, this is an urgent issue.

Data access by researchers and law enforcement has got to be a priority. And we support automation of these requests wherever possible. So, when we dig into more of the details, you'll see that there's opportunities, potentially, for some of this to be automated and made more efficient in some of the frameworks that are being suggested. We won't go into that right now but we support automation wherever it's possible. Next slide.

So, these were some of the thoughts on the reviews. Again, I'm not sure what the best venue is to bring these up and there might not be one. It may just be hallway conversations in chat. But both the ATRT3

and SSRT2 have highlighted the disconnect between the ICANN staff assessment of a recommendation being implemented and the review team's backward-looking assessment on whether or not the previous review team's recommendations were implemented.

And so, we think that's a serious issue and one that needs to be addressed. And it's definitely an issue that's being addressed by the ATRT3 specifically. And they're making some specific recommendations around that so we're keeping an eye on that.

We broadly support the recommendations of both of those teams, as well as those made by the CCTRT, as they relate to public trust. And we want to see those gain a high importance, a high priority, as the mechanisms for prioritization of recommendations are put in place. So, we need to get the prioritization framework in place as soon as possible. Next slide. That might be it.

YEŞIM NAZLAR: Jonathan?

JONATHAN ZUCK: Yes?

YEŞIM NAZLAR: This was the last slide.

JONATHAN ZUCK: Okay. Great. Thank you very much. Any other lingering questions on this? I'm hoping that Evin can bring up a little document that we started of some of the sessions in which you might be able to speak up and attend. Is that easy to bring up, Evin or someone?

EVIN ERDOĞDU: Jonathan, yeah. If I can have hosting rights or if I can share my screen, that is, then I can share the spreadsheet that [Alperin] has created. Otherwise, maybe the call manager could also do this. Whichever works best.

YEŞIM NAZLAR: Unfortunately, I'm not able to give you cohost rights. I think we need to get it from tech support. Or otherwise, if you can please share the link with me. Ah! Okay. I've got it.

EVIN ERDOĞDU: Just did. Thank you.

YEŞIM NAZLAR: Give me one second please. Yeah. Sure. [inaudible].

JONATHAN ZUCK: Basically, though, there's Subsequent Procedures sessions that are going on. There are GAC sessions in which it might be possible for outsiders to raise points. There's a GNSO session where you might

have the opportunity for outsiders to raise points. There's public meetings of the BC, for example.

So, I think that Evin will share a view-only version of this Google Doc into the chat and it will continue to be updated with sessions where you might be able to raise some of the talking points we've discussed. The slides are part of the agenda for this session so that you can always go back and review. And feel free to reach out to me or others on the CPWG for explanation of any of these points. But there are things to keep in mind while you're watching sessions. And if things are happening that disagree with our positions then maybe make a note of them and report back on them. And if you get a chance to bring up the At-Large points, then please feel free to do so.

Jaewon, you have your hand up. Please go ahead.

JAEWON SON: Hi. I'm Jaewon, 67th Fellow. Thank you for the great presentation. I was just thinking, according to the ICANN wiki, it says the public interest commitment has been [developed] to all applicants to [inaudible] members when they're concerned with the application. And according to your presentation, it has been made to address the GAC objections. So, before this whole presentation, I didn't really know that there's such a thing going on with the GAC and ALAC. So, what are the … If there's an objection going on, is there any kind of other procedures going on within the ALAC where I want to know the procedure after all? Thank you.

JONATHAN ZUCK: Thank you for your question and thank you for being a part of this session. Welcome. The GAC has some special abilities to object to applications for new domain names. And so, it can create a little bit of a hurdle for an applicant to get their application accepted by ICANN. And so, there are certain instances in which an applicant might make revisions to their application to help reassure the GAC that the concerns they're raising are being addressed.

And so, it's those issues that we're talking about specifically, is where they've raised not a general concern about all top-level domains but a specific one about a specific application. And in that case, that applicant might change their contract—might change their application—in such a way as to alleviate the concerns of the GAC. And it's in those cases that it's particularly important that the public interest commitments have some pathway to enforcement. And so, that's why we're very concerned about it.

I think we have to roll up this session now. I'm sorry I went a little over time on this section. Apologies to Joanna. Please participate in the CPWG and we'll be talking more about the At-Large policy platform and how we're going to manage information going forward. And we'll try, as Heidi said, to include the policy platform as part of the wrap-up session on Thursday. Thanks, everyone, for your participation. And hopefully we'll see you on the DNS abuse session in 15 minutes. I guess no one is …

ICANN 67
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JOANNA KULESZA: Thank you, Jonathan. Thank you all.

UNIDENTIFIED FEMALE: Thank you.

YEŞIM NAZLAR: Thanks all. This meeting is now adjourned.

UNIDENTIFIED MALE: Thank you all.

[END OF TRANSCRIPTION]