ICANN85 Mumbai | CF – GNSO: NCSG Welcome Session
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If you wish to speak, please raise your hand in Zoom or otherwise as directed. When speaking, please state your name for the record and speak clearly at a moderate pace. And I will now hand the floor over to NCSG Chair, Rafik Damak. You may begin.

RAFIK DAMAK

Thanks, Andrea, and thanks everyone for making it with us today. So, we have also those in the remote participation that they could not come to Mumbai. So, this is our first session for today and what was used to be called the constituency day.

So, we'll have five meetings starting with this, kind of to go through a few topics and also discussion about this week and if there is anything to share from the meetings we had previously. But in term of agenda, we'll have two topics for discussion or interaction.

First about the Review of Reviews and then to have discussion or some question or interaction with the ICANN compliance team. After that, for the rest of the day, I said we will have other four sessions starting with the policy committee meeting and then a constituency session for NCUC and MPOG. And then one session with topic kind of for discussion and we will end up with the last one about WSIS+20 review.

So, this is for now and to not waste more time we can go to the next agenda item and this is to have an update about the Review of Reviews. We have with us Sophie Hey and also Avri Doria.

We had some update during the non-contracted party house meeting, but the purpose here is really to have maybe more discussion. Maybe we will go through about some points that we heard and getting more clarification since we should as a stakeholder group share our input or feedback about the current proposal and to work on that.

So, this is a good opportunity for us to know more about the proposal, to get clarification, and then to be ready to participate effectively. I think one opportunity will be this week during the Plenary session on Thursday, if I'm not mistaken, but also, we'll

have a written input if possible. With that, I will ask Sophie if she can start.

SOPHIE HEY

Thank you very much, Rafik and also, thank you for paying attention on Saturday and remembering about the Plenary session on Thursday morning. Again, this is an untouched coffee, so I apologize very much in advance. Okay, so for those of you who were in the session on Saturday, this will be a quick recap at this point. Next slide, please.

Okay, this is where we're at now in terms of the timeline and I also am quite proud of the group and particularly with one of our co-chairs here, I think it deserves to be said. We're actually on track from our original work plan, like we're meeting deadlines.

So, I know ICANN, there's a lot of jokes about missing deadlines at ICANN so you know, big shout out to the co-chairs to keeping us on track. So, at this meeting, we have a proposal out on what a refreshed system of reviews could look like and we would very much like your feedback on that. Next slide please.

Okay, so this I want to emphasize is the first iteration and the proposal itself will be open for more fulsome discussion on the Thursday session, but to give you a bit of a sneak preview as to what's going to be discussed here.

So, what we're proposing is five different buckets for reviews moving forward to replace what's currently in the bylaws. And to

try and provide some detail and set out our thinking, we've put it in a table to try and address what subject areas would be examined by the reviews. So, what's the focus?

How they would be examined and for what purpose, how often the reviews would be conducted, what would prompt it, so where is it established, what you could happen to actually make it start? Does anyone need to do something? Is there a button that needs to be pressed or a vote to happen? And also, the scope of the reviews themselves.

So, we've already, at the top we say what subject areas, but what would the scope look like? Is this something preset or is it during that initiation process that we have a discussion? There's also who will carry out the review effort and whether any conclusions or recommendations that come from the review, who would those conclusions and recommendations go to, right? So, who would receive them and need to act on them?

And what we've also done, just for some context, based on feedback we've had, is where do the reviews that we're proposing originate from? So, are they something that's already set out under the ICANN bylaws and we're sort of moving them across? Is it that a previous review has suggested this or is it something that we've looked at as a group and gone, oh, there's a gap here, impact and suggested, okay, this is where it should come from.

So, we're trying to have it comprehensive so that people can have the context, but without needing to go into the full history of it. Next slide, please.

So, in terms of what these five different buckets are looking like, okay, so we've got five, so I'll go by order. So, until recently, A, so accountability and transparency review, that was known affectionately or resentfully as Bucket A. So, in just the terminology consistency for that one, if you've heard Bucket A, this was what was referred is now the accountability and transparency.

Those of you that follow reviews will know that there's currently an ATR review set out in the ICANN bylaws. The vision for this one is that it would be a little bit different. It would be trying to refine it more so that it's not a boil the ocean kind of accountability and transparency review. So, it would focus very heavily on the strategic plan and the bylaws for setting the mission.

Okay, the next one moving along is assessment of the continuous improvement program. So, what are the results of those? I'm not recognizing anyone from the CIP in here who participated in that group, but I do know you have people on there. And Manju now chairs the PSI group at council for that. So, an assessment of that because of each of the SOs and ACs having their own.

The other point we've got here is a structural review and vision. So, looking at the overall structure and components of the ICANN

community to look at whether they're fit for purpose in their current form or if changes need to be made.

The next one, there's definitely some discussion on where this one might sit, so Review of Reviews. So, at the moment, this is what we're doing, but there's a suggestion that potentially we keep this as a standing and sort of preset review to do regularly. Now, reviewing reviews is something that has historically happened through the ATR reviews, but it's been pulled out here.

And the final one of these buckets is the ad hoc or on-demand review. So, it's an emerging one. It's basically for, if there's an issue that comes up, we haven't otherwise contemplated it, but it meets the parameters for what would be appropriate to be reviewed. So, you know, it can't be dealt with in another mechanism that already exists so that would be the idea for that. Next slide, please.

So, questions, please. I realize I've gone through at a very high level. Avri, if you would like to add anything, please go ahead.

AVRI DORIA

Yeah, thanks. I did want to add one thing, but maybe it's two things. One is why did we speak of buckets? And I know nobody's asking, but people have asked so many times, why buckets? And I think that was because what we're talking about here is types of review. And as no one should think that the group has decided that these are the reviews we're doing.

It's basically, these are the types of reviews that we think should be done and then the list of attributes that such a review would have. Going into deciding what reviews we are going to propose is the next stage after having talked about all these types. So that was one thing that I want to say.

The other thing is whenever we get to that last one and we see the word ad hoc I want people to know that that is one of those sad misnaming that usually happens when you come up with something new and the first name you give it. Because people interpret ad hoc as meaning, oh, you're not really going to do it.

And what we really mean is there are a set of defined review possibilities, or eventually reviews, that are not firmly set with a date. That they're things that get called as needed on demand or whatever.

And I figured I'd make those two points since those questions come up so often, and they're also often presumed in people's questions often get the, but such and such is important, how can it be ad hoc? No, it could still be a bylaw. It could still be a review that's planned. It's just not planned for every third year on the clock kind of thing. Thanks.

RAFIK DAMAK Okay. Thanks, Sophie and thanks, Avri for the clarification. So maybe I will go with the first comment. So just about deadlines,

Sophie, I don't think that we don't meet deadlines, it's just the deadlines don't meet us. It's different, but joke aside.

So, in term of I think the what is proposed it makes sense. There is some structure and also those different bucket or type, I think we can go with that. But probably if maybe we can go in more details one of, I think, issue kind of was always of concern for us, it was during the holistic review. So, it's about the structural review if you can give us more details. Of course, we can go for the rest because they are important topics, but for if we can start with that one.

SOPHIE HEY

Okay, so structural review. Andrea, is it okay if we can go back a couple of slides, please, where there's that link? Yeah, that one. The next one, and then are you able to click through to that table?

Yeah, I'm trying to just fill a buster here to give Andrea time so she doesn't feel pressured on this. I'm sorry, I'm trying to fill this. No one look at Andrea. Everyone look away. Someone start pulling faces. I'm not doing that. I refuse to sing. Yes, it's the top hyperlink, isn't it? That's the one, isn't it, Avri?

Okay. Yeah, let's go the master version. That's the sensible option. It's a Google Doc, so that way I figure -- there we go. Okay. Thank you very much. Okay, Andrea is a star.

Okay, so structural review. So, we're looking here, it's the middle column there. So, you'll see here -- if we can go down just a little

bit further, perfect. Okay, so you can see here under structural review, we've got option one and option two.

So, at the moment, this is one of the areas that, and I'll say this at the end once we finish the discussion, you know, we want feedback and the point that we have two options here means that this is very much a point for feedback if you don't like what's written here. So, at the moment you've got option one, it's a little bit vaguer. It doesn't have the word mandatory and how it would be happening.

Whereas option two envisions that it would be a mandatory review examining the structures, looking at the dynamics, placement, composition. And I understand that that would be sort of additive to the option one. So, option one, having said that, it wouldn't be covering the internal structures of existing SOs or ACs unless specifically requested.

So, in the GNSO, for instance, unless the GNSO asked the structural review to look at the internal composition of the GNSO, that wouldn't be on the table for the scope of the review.

But if the GNSO said, "Actually, can we have some help from the rest of the community on how the GNSO is structured," then it would be in scope. Whereas option two envisions more, yes, this is going to be a discussion. Avri, did you want to add anything on that?

AVRI DORIA

Sure. Anytime I'm given a chance to add something, I'm always happy to do it. Yeah, I mean, first of all, these are additive. In that first option, what's really meant to be covered is the overall structure, that we have SOs, that we have ACs, might be something that's considered.

Do we need an extra SO? Is there an AC that's missing? How do the SOs and ACs? But what it doesn't do is necessarily go into how that AC is structured, how that SO is structured. That's still atomic and within their own business.

The option two says, nah, we got to go deeper. We got to go deeper than that overall structure. We actually got to look at what's going on in ALAC? Do they have the right number of regional organizations? Do they need to organize themselves differently?

Are they set up in a way? And that's just because I don't want to use GNSO as an example. Are they always fighting amongst each other? Are they divided into polar opposites and therefore can never come to a conclusion on anything? Is there something internal that really needs to be reviewed?

The other thing that we haven't resolved, but we're sort of leaving is, and how deep do you go? Because, you know, you can look at them at the second level and say, it's RALOs or it's stakeholder groups. You can look at them at a third level and say, well, it's the ALS structure. No, it's the constituencies and all that. And so, that remains indeterminate.

And so, the option that we've got is, do all structural reviews include both option one and option two. They all include option one. Or do they, you know, have to, and then there's a possibility that somebody, whether it's the organization itself, or perhaps everyone else.

Everyone else says, "You know, those people in ALAC are always fighting with everybody else, you got to do something about them," and it becomes sort of a different pull. And I don't know if I added any information in my digression, but really, they're additive. And option two, even if it isn't a mandatory part, it can be requested, but this is all still in formation. Those are sort of the ideas that are floating around attached to these.

RAFIK DAMAK Thanks for the clarification. So, if I understand correctly, option two, it's more or less kind of similar of what we got before with the structural review because if GNSO review at that time they go into details or internally, no?

AVRI DORIA Well, actually those internal reviews are meant to be more closely resemble the CIPs in terms of your continuously improving the GNSO. I don't remember. They weren't about restructuring the internals of the GNSO.

RAFIK DAMAK Maybe I will think about the GNSO review in 2007, 2008, maybe because that really covered the structural --

AVRI DORIA Perhaps then it would. I'm not remembering that one as clearly.

RAFIK DAMAK Yeah. Okay, we have a queue, but just maybe last question before. I mean, maybe you can clarify, who will do the review here? Is it still an independent reviewer or with the community or?

SOPHIE HEY So, who conducts the review, just to clarify?

RAFIK DAMAK Yeah, who will conduct it?

SOPHIE HEY Yeah. So, at the moment, to be determined, the plan is that for the reviews overall, there will be an option to be asking about whether or not, oh, can we have someone external? And again, Andrea, would you mind scrolling down, please? Sorry. Yeah, a little bit further, just wanting -- Yeah, who conducts it? There we go. There we are.

So, at the moment we're envisioning that it would be a cross-community group, again, with the option to be assisted by an expert. So, it's not fixed one way or the other.

Now, if you have a strong feeling going, "Actually, I think this should always be done by an expert," provide that feedback. If you go, "I never want to hear from an expert," provide that feedback. That's not a guarantee that you'll get your way. It's ICANN after all, but at the same time, if you have feelings about how that should happen, you should provide your input.

RAFIK DAMAK Thanks, Sophie. Yao?

YAO AMEVI SOSSOU Thank you very much, Rafik. Yao speaking for the record. I just want to understand something the line originated or derived from. You may put non-applicable to the other committee in the last slide, yeah, non-applicable. I just want to understand why you think this is non-applicable to the other committee that might be related to.

SOPHIE HEY So just to clarify why that says not applicable that's because under the current program of reviews there isn't something that specifically says, okay, well, we've got a bit of an issue and we want to fix it by spinning up a new type, that's not specifically provided

for. So that's why that's listed as not applicable. It doesn't really exist.

This is what we like to think of anyway as one of our genius brainwaves in the group so that's why it doesn't have an origin from where it's come from previously. Avri, would you like to correct or?

AVRI DORIA

Not to correct. It was a decision made and that's why you see in the note it is actually where we've put the consideration of all the existing reviews like the SSR, the CCT. Nothing in the bylaws says that that's a on-discretion review or an on-demand review, so therefore we can't say it's in the bylaws and we took it. But that's why there is the note there that sort of says, this is the basket, bucket, basket, that contains quite possibly all those other reviews.

You know, and that's one of the questions we've gotten is you're not saying that those reviews are unimportant and therefore not going to do them. No, they're in the bylaws and there can be revision to the bylaws saying, yep, you still got to do a CCT, but it's not specific about when or how, and leaves that open to on demand and definition.

You still have to do an SSR review, but how that gets initiated and what that does, that's still open to discussion. As opposed to if you read the bylaws now, it's every N years, this must be done in this way. And it's basically saying no, by being on demand or specified, it's more flexible and not applicable, as Sophie said, it's not in the

bylaws now. We can't point to anything that says we have an ad hoc review and therefore we have an on-demand type of review, and therefore.

RAFIK DAMAK Thanks, Avri. Let's see the queue.

AVRI DORIA That's nice. While we're waiting, so that other means, it's kind of like an inheritance. All the others, because they originate in some bylaw or something, when you're putting it together, you're inheriting sort of the features of what was defined. So, from a programming sense, it would be an inheritance.

RAFIK DAMAK Thanks. [inaudible - 00:23:46]?

UNKNOWN SPEAKER Sorry, [inaudible - 00:23:51], for the record. I have a question regarding the recipients of the outputs. I see that different columns, they always mention the board, but sometimes the board goes first, and then that can go in the middle or even last.

So, what would be the consideration of when the board, like being the last to review and when the board is being the mid-reviewer, how is that going to make it -- I don't know, is it going to be more effective if they're doing it at first and other times why are they

being put last to do the review? Can I just get an explanation of that? Thank you.

SOPHIE HEY

Yeah. No, that's a very fair question and I think that's the kind of feedback we need on making sure that we're clear with how we set information out. So, when we say the recipients of the outputs, at the moment with the review outputs, the idea is that they go to the ICANN Board, the ICANN Board actions them and directs the implementation.

Now with this proposal here, what we're looking at is, okay, who are we making the recommendations to so that they can implement them? So, if we see here, we've got, one of them is Board and that would be the accountability and transparency in that first column.

Then the next one across, we move to the Continuous Improvement program. So, to the extent feedback is about the GNSO's continuous improvement program, it doesn't necessarily make a lot of sense to give that feedback to the Board. It would go to the GNSO. So that's why it's pulled out there.

Then the next one for the structural, well, it kind of depends about, well, what are the recommendations and this is something we need to pull out a bit more. So, this is what's happening after the work's been done and who's actioning it.

You'll see for the Review of Reviews one, we've got some question marks in there so we're going, okay, maybe this is something where the SOs and ACs go, yes, we're on board with what's come out of this group. We agree with this board. We would actually like you to do something with these recommendations. And again, you'll say that it depends on the reason for the review on that last column.

So, it's still a little bit up in the air, but the point is, and someone made a point in a session the other day about, okay, well, who implements and how does that work?

So, this, we're starting to look at the full life cycle of the review here. And so, it's who makes the decision about what happens, who actions it, and how do we move forward? We have these recommendations and outputs, but how do we actually deal with them and make sure we do something with them? Is that helpful?

UNKNOWN SPEAKER Yes, thank you.

RAFIK DAMAK Thanks, Sophia and [inaudible - 00:26:39]. Next is Benjamin.

BENJAMIN AKINMOYEJE Benjamin for the record, good morning. Avri, I want to ask you, following the question I asked yesterday, like the question is, how do we stop any constituency from weaponizing this? That was the question and I was deliberate because I was -- maybe weaponize is

the wrong word to use, but how can they use it to undermine another constituency.

So, this kind of feeling took momentum out of CIP during the Continuous Improvement process even when we're defining things like the principles. A lot of stakeholders didn't even trust the principles. They colored it, however.

So, my argument now is, how do we, or how is Review of Reviews kind of, in a way, satisfying all those dissatisfaction? How is it different from -- and if you look at the rubrics you have here, there are a lot of places where CIP continue to show up.

For example, look, notes and questions CIP is a pilot, does not -- there's CIP, over there, CIP. So, there's quite a handful of places where concerns about CIP is raised. So, my question is, what is Review of Reviews bringing on board that makes it a more suitable framework or platform to address of all of these concerns?

AVRI DORIA

Guess I'll start that one since it started addressed to me. First of all, I'll repeat the first thing I said. When you said, what can we do to stop people from acting in bad faith and weaponizing, pretty much absolutely nothing.

You cannot stop it. If somebody is intent on weaponizing something, they will. Current world history shows us that is eminently possible, but the reason we're doing a Review of Reviews is because enough people were not trusting. Enough people were

unhappy that they went to the board and the SO, AC leadership got together and said, “We've got to do something.”

And part of the reason we're doing all these many sessions and appearing in everybody's and having folks responsible for making sure that everybody's views are represented is as much as possible to make sure that everybody's concerns are heard, everybody's concerns are dealt with.

Now, obviously, there's going to be contrary concerns that are going to take a certain amount of consensus building, et cetera. There's always the hope that when you do manage to build a consensus, when you show that you've put effort in, when you've listened to everything, where you've gone to people five, six, seven times and said, “We want to make sure we've heard your opinion. Here's what we think we heard. Did we hear correctly?” And if you look at the reports that come out from the group, it's always, “We think we heard this. Is this what we really heard?”

That by doing that, by doing that iterative, by doing that cycle of listening to people and by trusting in the fact that everybody that participates in ICANN, even if they have completely contrary views and think that people like me are complete fools, they're still participating in good faith. They're still trying to work with people and such.

Now, if you take out the working in good faith, then we're back to my first principle. If people aren't working in good faith, no, you know, there's nothing you can build that I can't turn into a weapon

against you, you know, no matter how protective you make it. But if we're all participating in good faith, then you know I won't do that and such.

So, I think that that's, you know, a fuller -- that's why we're doing all these things. That's why not only Sophie is wandering from, you know, SG and AC, you know, within GNSO to talk to all so that she can make sure that the RoR is hearing, you know, a composite view of what the concerns are. But why at least one of the co-chairs is trying to be here as a backup to make sure we've heard it, to make sure we're taking it into account. And when you read our thing that says, "This is what we think we heard," if we're wrong, say so.

BENJAMIN AKINMOYEJE Okay. I just wanted to [CROSSTALK].

RAFIK DAMAK We need to wrap.

BENJAMIN AKINMOYEJE Yeah, I'm going to --

RAFIK DAMAK Time check. Time check. We need to wrap. Sorry for that. Thanks, Avri, for the positive note. As you said, we need good faith, but also, we need goodwill so that's one part of it. With that, yeah, thanks for all this. Yes.

SOPHIE HEY

I will be super quick, but to that point in terms of what we're doing to make sure that you do hear it, it's not just these sessions where you can provide your input. There's a mailing list you can write into and tell us.

And our co-chairs, they have a very flexible observer policy. So, if you want to put your hand up on a call and say, "I don't like this," or, "Actually 10 out of 10, love your work," always welcome that. You can do that. So please make sure that if you have thoughts, please share them.

RAFIK DAMAK

Okay, thanks. Thanks for joining us and we can move to the next agenda item and we have other guests today from ICANN Org.

AVRI DORIA

Thank you, all.

RAFIK DAMAK

Thanks, from ICANN Org and this is the Compliance Team. We wanted to interact with you. We have a few questions that we sent so we can start with the update, but if we just give quick introduction because we don't know you that well in the other side so please, go ahead.

LETICIA CASTILLO

Of course. Hi, everyone. Thank you for the invitation to join your session today. My name is Leticia Castillo. I am a senior director with ICANN Contractor Compliance. I'm based in Los Angeles and here with me today is my colleague, Roger Lim, who heads our office in Singapore. Can we go to the next slide, please? Thank you.

So, we put together a short slide deck that groups the questions you sent us in advance into four main themes. So, we can briefly explain the process while also responding to your questions directly. And in terms of any additional questions, if you want to hold to the end, that's fine. If you want to ask as we go, that's fine too. This is your session. We're here for you. Can we go to the next slide?

So, the first group of questions related to how we, Contractual Compliance, interacts with complainants, you specifically ask what happens after someone submits a complaint to us? Do they get an acknowledgement? Are there clear timelines for updates? And how do you notify complainants when a case is closed?

You also ask about complaints filed by journalists, dissidents, and other groups who might be at risk. Is there a way to treat those complaints with more sensitivity and have we consulted with digital security experts about the risk involved?

So, here's how the process works. Today we have dedicated web forms with guided questions that anyone in the world can use to

submit a complaint to us. This helps complainants provide us with the information that we need in order to fully review a complaint.

We have not consulted with external experts in designing the forms. However, the forms do explain what information we need and why, and do provide the option for a complainant to request to remain anonymous. So, if someone chooses this option, we do not share their information with the contracted party while we are processing the case.

And there's a practical limitation there. It is possible that the register cannot locate the abuse report if we don't provide with certain details about the complainant, and they may not be able to fully address the case with us, but we do have this option. We provide information with all complainants and include the potential limitations there.

And it is also important to note that we do not publish contact details, information about the complainants. Even when a case goes to the stage of the process of a public notice of breach, all personal information is redacted so that's never public type of information. Can we go to the next slide?

So, once a complaint is submitted, the complainant does get an automatic email. We confirm the case has been received. We tell the complainant what case number has been assigned to the complaint, and we provide a short explanation of what comes next.

During the case, we send notifications at key stages of the process, including where the case is closed. We do explain why the case has been closed, what was the outcome of the investigation. We also provide a link to a satisfaction survey.

There was a question about routine updates. We do not have as part of the process to provide updates on fixed moments within the process, and this is due to two main factors. The volume and the complexity of the investigations that we have.

And also, that we can generally not provide significant updates while we are still engaging with the contracting party and all the details are not clear. Next slide, please. I'm going to continue until you interrupt me if there's any question, okay?

You also ask why our published metrics do not show any cases under Section 3.18.3 of the Registrar Accreditation Agreement. So, we have that metric, that chart published, but the count is zero as of today.

And you ask whether this is because law enforcement can resolve issues on their own with the local registrars or because they do not know the option to come and complain to us, submit a complaint to us, it's an option they can take.

The section includes a requirement that abuse reports submitted by law enforcement and other authorities within the jurisdiction where the registrar is established or have physical offices. Those

must be reviewed within 24 hours by someone within the registrar that has the authority to take action.

And in practice, we have not received any complaint from this type of authorities related to abuse of malware or phishing or any type of DNS abuse.

And since the amendments became effective, we have received two abuse complaints from these authorities, but neither of them reported DNS abuse. They were about other type of abuse and this is actually very common. Before the amendments, we received one case. Like the year before the amendments, we hit one case from that type of authority within the registrar jurisdiction.

Now, we cannot speculate on the reasons for this. It could be that the registers work with their local law enforcement. It could be that authorities don't know that they can come and submit a complaint to us. It could be another reason, we do not know.

But we do recently published a step-by-step guide on how to submit complaints to us, DNS abuse complaints that we can act on. We will also be conducting a webinar in May on specifically how to submit actionable DNS abuse complaints to us. And we're always willing and happy to provide additional information to law enforcement and to anyone else who wants to submit a complaint to us. Next slide, please.

FARZANEH BADIEI I'm sorry. Can I ask you a question?

LETICIA CASTILLO Of course.

FARZANEH BADIEI I'm sorry. Hi, Leticia. I'm Farzaneh and very nice to have you here. So, one thing that I wanted to mention to NCSG is that, so for the past few years, as Leticia said, law enforcement is not using the very effective, I'd say, complaint mechanism for DNS abuse.

And at the same time, I think that it would be good when GAC discusses this, we ask them why they don't use that system. Because they are consistently asking us for, coming up with some kind of like mechanism for DNS abuse policy, while these methods are not being used, that already made available methods are not being used.

And also, the other question that we had about the journals and stuff, at NCSG, we believe that there should be rights respecting mitigation of DNS abuse. And unfortunately, nation states and other actors try to oppress dissidents by phishing and other methods.

So, that is a very important aspect for them to be able to use these methods or on their behalf, people be able to file complaints. And it's great that the system works anonymously and also like we can discuss how digital security help desks can work with the system. Thank you very much.

LETICIA CASTILLO: Thanks, Farzaneh. I was going to add something when we were talking. Oh, yeah. So, I was just going to give you examples. The option to submit a complaint anonymously is not taken often. Normally, people are okay with their details being provided to the contracted party.

In the past, those who have normally taken that option were either law enforcement, even if it was not within the jurisdiction of the registrar, or people that thought they might be at risk if their report was forwarded to the registrar who then considered to be a criminal, whether it could be some kind of repercussion. So that was the two scenarios where mostly are used.

RAFIK DAMAK: Sorry, we have Pedro first, and then just a clarification, you still have some slides to go through, or we will continue?

LETICIA CASTILLO: Sorry, I'm happy to go with presentation, answering questions, whatever you prefer. So, we can take another question.

RAFIK DAMAK: I mean, if you don't have any more, we can --

LETICIA CASTILLO: Yeah, I do have more because I received a few questions.

RAFIK DAMAK Okay.

LETICIA CASTILLO But if we have more questions here, it's fine too. Whatever you prefer. I'm just here for you guys.

RAFIK DAMAK Okay, let's go with those two questions, and then we come back and we go another round of questions.

PEDRO LANA All right, perfect. We're talking about how law enforcement agents were not reaching out to ICANN that much, and possibly there is some language relations, it's language related, I mean considering I saw that the guide was translated for the UN languages.

But considering it's quite permanent material, if there is some ongoing work to translate it to some other languages, as to make it easy to share around. Because at least when I'm talking about an anecdotal level of personal experience when we were sharing around that with Brazilian authorities, one of the things they asked was about it being available in Portuguese, one of the first things they asked.

So, the form itself, the complaint form and the materials on how to use ICANN Contractual Compliance mechanisms.

LETICIA CASTILLO

Thank you for the input. You're right, we have the reason guidelines translated. We do not have all the complaint forms and information. That's something that it's great feedback, thank you and definitely we need to consider.

We sometimes receive complaints that are not in English, and we have a team of people that, you know, we can speak different languages. But the material that is out there for someone to first come to us needs to be able to reach different people across the globe. Thanks for the feedback.

RAFIK DAMAK

Yeah. Thanks. Kathy?

KATHY KLEIMAN

Thanks. Kathy Kleiman. I've always been concerned about complaints being anonymous. I'm not concerned about law enforcement. Let's take that out of -- I mean, I am, but for other reasons. Let's take them out of the equation. But a private complaint against me, and I understand complaints can also be against registrants for inaccurate information.

For example, somebody complained that a student didn't have a cell phone and they didn't have a cell phone and they lost their domain name. If somebody files a complaint against me, if it's in the UDRP, not only can they find out who the registrant is, they can

publish it. And even when registrants ask that that data not be published, it's published in the decisions.

So, if someone files a complaint against me privately, why can't I find out who they are? And how can you and we track them for abuse of the system? Because they may be harassing us in other forums as well. So, if you want to see the pattern, you have to know. Thank you.

LETICIA CASTILLO

Thanks for the question. It makes absolute sense. Well, no one is going to file a complaint about you with us. We just address it by users and registry, not personally to you, but about you. But I want to clarify something that when we talk about submissions that are anonymous, we, Contractual Compliance, we see the details of the person because we need to be able to contact them.

There's a very comprehensive validation that happens at the beginning where, you know, we can also identify abusive reporters. And if the person requests to be treated anonymously with the registrar, registry during the investigation, like I said, it's not taken very often. Sometimes they're scared. They want to report something that is really bad, but they're scared that the contact details are going to be sent to the criminals.

We do explain that limitation that I was talking about before. It is possible that we cannot fully address the complaint if the registrar cannot locate the report, if the registrar cannot really analyze

everything that is happening to determine whether it's an abusive reporter or it's actually something that has substance there.

So, it's not directly. You request us to be anonymous and that's it. We're just going to forward anything that you send us to the conjunctive party. No, there's going to always be an analysis there that happens before we even trigger any investigation and during.

KATHY KLEIMAN Thank you. I have follow-up question, but thank you so much.

LETICIA CASTILLO So, another question that we receive is whether all phishing complaints are treated the same or whether we have a way to assess severity to determine the next step. So all complaints enter through the same workflow, the web forms that I was talking about, but our review looks at all available information, including the potential for harm and victimization of the reported abuse.

We do not have an automated system that will pre-categorize by severity, but that is something that is done by our processors during that validation process that I was talking about before. And our process does allow for expedited handling of a case when there is greater potential for harm and victimization. I can give you an example.

We receive a complaint and it's a phishing site of a big bank impersonating a fake blogging page, sorry, and it's sending emails to thousands of customers. There's long reach, there's a lot of

distribution, and there's potential for a lot of financial loss. That is considered a case of a high risk for harm and victimization.

So, we do apply that process that I was talking about regarding expediting – sorry, I didn't have coffee this morning yet, regarding the expedited deadlines that I was talking about before. I think I see a hand up. Let me take questions now.

RAFIK DAMAK Yes. Yes, Benjamin.

BENJAMIN AKINMOYEJE Thank you. I just wanted to ask you a question which you just dealt with now, but if there's high impact and all of that, does it influence the level of reasonability of the time? Say I don't have high impact, but I've complained to the appropriate authority or party involved, but have not taking action in two days, my reputation keeps getting damaged. Is that enough for me according to the step-by-step guideline?

I mean, how do you define reasonable time? That's what I'm struggling with and also infringing on the level of damage being done, because if there's no problem, reasonable time might be one month. But if there's a terrible thing happening, just like you said, two days might be reasonable time enough. Thank you.

LETICIA CASTILLO

Thanks for the question. And we normally receive this type of complaints within a few days of having submitted the report to the register. There's no like a month or a week that passes. Two, three days can be absolutely reasonable depending on the case. We do not have in the deadlines a specific -- we say wait reasonable time because the registrar may be investigating the case and giving them time to investigate. But we don't say wait two days, wait one day, wait four days.

If a case gets to us and there's the potential that we were talking about before, and it was submitted yesterday, depending on the totality of what we're seeing, we may initiate the case already.

So, we don't have a specific one day, two days, three days. It has to be reasonable and I know I am not really answering your question because I cannot give you a specific timeline, but yes, we do have a situation where a case has such potential for reach that ensuring those time between reporting the matter to the registrar and sending a complaint to us can be short because it makes sense it is short.

RAFIK DAMAK

Okay, we have a queue. So first, [inaudible - 00:51:10] and then Juan. Yeah, please, go ahead.

UNKNOWN SPEAKER

All right, thank you for the presentation. My question is, how is the reporting done after you got all the inputs? Because my question,

is it possible that particular complaints are being raised by particular parties to form particular opinion for framing in terms of that? Because like they want to you know raise up a particular issues because they know that this is going to be published so they brought that up which everyone can do. I hope my question makes sense.

LETICIA CASTILLO

Thanks, and actually it's great because we're going to metrics right now. So, if you want, we can just go to the next slide, unless there's any other question for -- thank you. So the question that you send us, you also provided some feedback about our metrics and ask for more data points such as time to resolution and how the abuse is delivered. Like zero click redirection was one of the samples provided and the outcome of our investigations beyond the suspension of the domain name.

So, transparency is very important to us. We publish monthly reports specifically dedicated to DNS abuse mitigation enforcement and those updates are broken down by the type of DNS abuse. Include a number of complaints received, the cases were resolved, the outcome of those investigations and the outcome goes beyond suspension because the outcome is not always suspension. It can be that the registrar did not find actual evidence of DNS abuse. It can be that they reach out to the reseller or the registrar because the domain name was compromised and then the abuse was taken down.

There are different options that are published as well. We provide a number of cases resolved that involved maliciously registered domain names versus compromised domain names. And we also provide, which is related to your complaint, I believe, the number of invalid complaints that we receive and why they were deemed to be invalid. And actually, the vast majority of the complaints that we do receive are deemed invalid.

So going back to that comprehensive review that we do, it does not mean that every complaint that we get is going to be triggering a compliance investigation. There's going to be a lot of communication with the complainant. Back and forth, we're going to explain to them why the complaint is not valid, why we're going to close it, but it's not going to trigger an investigation.

RAFIK DAMAK Okay, thanks. So just because during the time check, we have six minutes left and we will need to wrap soon so we'll hear from Juan and then we can finish what you have as the slides and yeah. Juan, please go ahead.

JUAN MANUEL ROJAS Okay, thank you, Rafik. This is Juan for the record. I thought that you were cutting me this time because of the time, but yeah, so far, I understand that it's only contractual thing between registries and registrars and ICANN, right?

So, we know that this is our contract, but I would like just to know how the process guarantee that it's objective, right? Because okay, it's between two parties, but you are saying just right before that, okay, some complaints are not available or something like that.

But my question is, okay, more about how this process guarantees the objectivity of the complainants following in the due process and maybe it's not, okay, just applying those terms, legal terms on that complaint or not on this process. And it's also for that kind of complaints only, but not internally, right? It's only for external contract. I mean, for registries and registrars, there's no more kind of issues you are addressing this complaint, right?

LETICIA CASTILLO

Correct, yes. We enforce the agreements that ICANN has with the registrars and registries and the policies are incorporated into those agreements. So those, I remember between ICANN and the registrars and registries. And to your other question, I'm not sure I understood it correctly, but when we do the analysis, the first-time analysis when a complaint comes to us, so as when we're communicating with the race who have established process, the process is actually published online how it works.

And what we analyze is all the explanation that the party is providing to us along with evidence against the contracts and when we're talking a complaint can be invalid. Can be because a very simple matter is like it's involved at ccTLD and we don't have the authority to enforce ccTLD. It can be any related to the time that

we were talking about before. We had a group who was submitted to the registrar hundreds of abuse reports. At the same time, they were submitting the complaint to us. So, they were not giving the registrar any time to review.

So, it's always objective in the sense that we're going to check everything that we have against the agreements, there's no going to be a situation where we just don't like how it was written or anything like that.

Everything is clear. We have a process in place for that. We have SMEs within each type of complaint type because, you know, these matters are complicated and it's not black and white. So sometimes we need to, among ourselves, talk to people with more experience and kind of brainstorm. So, there's a lot of layers of checks within that process itself.

RAFIK DAMAK Okay. Just, no problem. Just the time check. So, you still have any slide or?

LETICIA CASTILLO One more, but it's about the question about the --

RAFIK DAMAK Okay. One more, and just I have one question, and I think we will wrap up with that one.

LETICIA CASTILLO

Sure. I want to try not to go too fast, but just shorten. I just have the tendency of doing that. Go to the next slide, please.

A question about whether we publish information that is breaking down by the delivery mechanism, such as whether the phishing is delivered through zero-click redirection, we do not publish this type of information.

We do a type of DNS abuse and the reason is that delivery mechanisms change fast while the types of DNS abuse are defined in the agreements. And our monthly metrics are designed so they provide trends over time. If they change constantly to reflect new mechanism, the year-over-year metric would not really provide comparable metrics or consistent metrics.

And another reason is that complainants do not always know how the user was directed to the phishing. Someone might show a clear screenshot of a bank login page, but they don't know how people are reaching that web page, or they don't explain to us. They may not be a victim themselves. They just found it and reported.

So, extracting that data about the specific delivery mechanism in a consistent and accurate way so it can be incorporated into metrics is not always possible, but I added there that it's important to know that ICANN maintains a DNS abuse mitigation program that is not just compliance.

We have a whole team of experts there and actually very recently our OCTO team published a blog post about this same topic, the zero click direction and about ongoing research that they are conducting right now. So, we have a team there. It's not just compliance or data is important, but it's not the whole picture. I'm going to stop here.

RAFIK DAMAK

Yeah, so this is my last question because I'm kind of being reminded about the time, so we have one or two minutes only. Just last question. Since DNS abuse, and my understanding there will be liaison from the ICANN org to the working group, DNS abuse working group, your team will follow closely the discussion and will be able really to participate and share input?

Why I'm just saying that because like we had the APDP before and it will be really helpful if the ICANN org, I mean like your team, they have a concern to do that really at early stage and don't take too much time to do so. So just --

LETICIA CASTILLO

ICANN compliance does provide input about you know recommendation and forcibility issues, not just data. We're very close working across the entire the DNS abuse mitigation team. So, we do provide data, we do provide feedback and we will for sure be following the PDPs.

RAFIK DAMAK	Thanks, and sorry for Vivek. I don't have any more time for the question. With this, I think we will just kind of quick wrap up. Again, thanks for joining us. We are looking for more interaction maybe if there are more questions. I think it was a good opportunity really to know more about this part of the compliance and about the reporting, really helpful for us to have better and a good idea how things are done. So just a reminder for everyone, we will have our next session I think I believe here, the Policy Committee session. You are welcome to join and attend. And with that, see you later and we can close the meeting. Thanks.
ANDREA GLANDON	Thank you. Please, stop the recording.

[END OF TRANSCRIPTION]