ICANN75 | AGM – GNSO: RySG Membership Meeting (2 of 2)
Tuesday, September 20, 2022 – 15:00 to 16:00 KUL

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With that, I will hand the floor over to Samantha Demetriou.

SAM DEMETRIOU: Thank you very much, Sue. And hello again, everyone. Welcome to Part 2 of the Registry Stakeholder Group membership meeting here at ICANN75. Hi to everyone who has joined us online. Thank you for being here.

In this second block, we have 60 minutes. We are going to go through a number of updates on the ongoing progress of the policy development and other policy efforts that are going on within the ICANN community.

But first, before we dive into those, Marc Anderson is going to lead us in a discussion about the recent proposal that came from ICANN Org about a WHOIS disclosure system. We're carrying this one over from the morning session. I think we should have plenty of time to cover everything, but in the event that we don't quite get to everything today, we do have, as a reminder, the wrap-up session for Thursday. So we will have some time if there is any carryover. So, Marc, over to you.

MARC ANDERSON: Thanks, Sam. This is Marc Anderson from Verisign. And thank you, Sam, for the time to talk to everybody today about the SSAD Light proposal.

During the previous session, there was some great discussion and feedback about the DNS abuse topic that Sam brought up. I really hope everybody in the room isn't talked out because I'm really looking to get feedback from everybody in the stakeholder group about what is going on with the SSAD Light and, particularly as your representative to that group, what I should be doing and advocating for as far as next steps going.

So what I'm going to try and do is give a hopefully brief overview of where things are and what we're looking at as far as next steps. And I'll give an opportunity to ask questions. And I've got a couple topics that I specifically am looking at feedback and direction for from the stakeholder group. So I'll get into an overview. I'm hopeful that most of this is old hat to everybody.

You've heard updates from me previously or from conversations that have happened here at ICANN75, but just set to the field or set the background, the EPDP Phase 2 recommendations—the recommendations to create an SSAD system—were subject to the first OD[A] (Operational Design Assessment). That report—the report that ICANN produced, I think, in January of this year—called into question a number of things, specifically the cost, which we as members of the EPDP weren't sure about at the time, and also called into question the demand, the amount of potential users for the system.

And taken on the whole, the Board initiated dialogue with the GNSO Council, asking the GNSO Council what it thought about the report and what it thought next steps should be. The GNSO Council constituted a small team to consider the report and what next steps should be. I was nominated to that group representing registries.

The idea of having what was initially called an SSAD Light system was one of the early proposals that was thrown out. That was essentially the idea of having an SSAD system that did not include the accreditation piece. And the reason for that is the accreditation piece represented one of the biggest costs for the SSAD system, as well as one of the most complex pieces. So that idea gained a lot of traction within the small group.

I was initially opposed to the idea for a couple of reason (which I'll talk about real quick)—I've sort of come around to the idea that maybe having an SSAD-Light-type system is a good idea—the first being that the registrar representative to the group said that registrars didn't feel like they could rely on accreditation and would probably have to do their own accreditation or vetting of requesters anyway. And so the accreditation piece to the registrar constituency was a bit duplicative. And the other reason for me at least was around the demand, the fact that the amount of demand, the amount of potential users for the system, just wasn't easily quantifiable, wasn't really known.

And so the idea of having an SSAD Light system that could more quickly and cheaply gauge the demand for an SSAD system seemed an appealing path forward. And so for those reason, I've sort of come around to the idea of an SSAD Light system.

In our discussions, we realized that we had this idea for an SSAD Light system, but we didn't know what ICANN as an organization would be able to or willing to support. And so we reached out to ICANN Org—and here when I saw "we," I really mean Sebastien Ducos, who was chairing this group—and asked that question: "Are you willing to support such a system, and what would it look like?"

So ICANN Org agreed to take on that work, and they produced a design paper. That design paper was made available a week ago today. So in the lead-up to ICANN75, they published that design paper describing what they could do. I'm appreciative of the work they did. We asked them to go back and say, "What could you do quickly, easily, leveraging existing systems, existing expertise?" and they did exactly that. They produced that, and that's what's contained in that design document.

So now the ball goes back to the small team group. And this is where I'm particularly looking for input from everybody here in this room. The ball goes back to the GNSO Council small team group to decide what to do with that design proposal. And at a

very high level, we could say, "Thank you, but this really doesn't meet our needs." We could say, "This is good, but can you go back and consider some modifications to that?" Or we can adopt it and provide a recommendation to GNSO Council to proceed with this SSAD Light.

I've been using the term "SSAD Light." It was the initial term that was battered around. The design paper calls it the WHOIS disclosure system. It's been pointed out in previous sessions that the WHOIS disclosure system isn't a great name for it because it's really a registration data request system. But just for our purposes here and my purposes, I've just still been calling it SSAD Light.

So with that introduction, I do want to tee up a couple things that I'd particularly like direction on from the stakeholder group. And the first thing really is, should we support the SSAD Light concept? And I explained my rationale for why I thought it was a good idea to support it. I think it's worth exploring it. It provides an opportunity to, without spending a massive amount of money that the SSAD recommendations would have cost, get more concrete information about how a centralized system like this would operate, the kind of usage it would get, and what kind of challenges we would have as contracted parties operating with that system.

Another topic I'd really like to hear from the stakeholder group is around participation in it. So one of the thing that has come up a number of time is, if we proceed with the SSAD Light as a pilot, it would not be policy and thus it would not be mandatory for contracted parties to participate.

I should back up for a second and note that the design paper proposes just having registrars participate in the pilot. I support that for a number of reasons. And I won't go into them now, but if anybody is curious, I can. But I do want to hear a little bit about people's thoughts on the mandatory participation. I think, as contracted parties, we should be a little careful here in that, if it's not in our contract and if it's not in our policy, then it has to be optional, and we have to guard against any kind of efforts to create a backdoor obligation. In this case, it would be a backdoor obligation to registrars. But I think it's important that we're clear that this is a pilot and thus it would be optional for contracted parties to participate in that.

Two more things before I open up the floor. The first is around billing. And this is another area where I'm really not sure what position I should take, and so I'm looking for direction from the stakeholder group. In the EPDP Phase 2 recommendations, contracted parties were very clear that the cost of developing and operating the SSAD system should be borne by the requesters and should not in any way be borne by the data subjects. And so

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this was intended to be a system that would be self-funded, so to speak. Fees paid by requesters would fund the SSAD system. The proposal for the SSAD Light system is for ICANN to fund the system themselves, and this would be done at fairly reasonable cost levels in my estimation.

However, this very much goes against one of the key principles that contracted parties had. And this was a very hard line we took in EPDP Phase 2: that costs would not be borne by the data subjects but rather by the requesters and that this would be a self-funded system.

And I bring that up for two reasons. One, I want to get direction on how we feel about that as we discuss the SSAD Light, but also, I'm concerned that, if the purpose of this SSAD Light is to evaluate potential demand for a full SSAD system and, if that full SSAD system is meant to be a cost-based system, where requesters pay to use the system, then an SSAD Light system that doesn't have costs or fees associated with it … I'm concerned that that's not an accurate or fair gauge of the potential users of the system. The users of a free system versus the users of a potential paid systems, I think, would be considerably different. So that's a concern I have going into these discussions. I'm not really sure what position I should take going into those discussion.

And finally, the last point I'm looking for direction on specifically is, what are the next steps that we take as far as, assuming we proceed with the SSAD Light, how we consider the success of the failure of the SSAD Light? And what actions would we take? Would we look to SSAD Light to be either a proof of concept to say yay or nay for the full-blown SSAD system? Would we look at the SSAD Light as a system that would be a starting point and we could add features on later? Or would we look at it as something that would give us additional data points, additional information, that we could use to go back and inform a follow-on PDP that would in some way modify the EPDP Phase 2 recommendations? I'm sure these are not the only options, but just are just some of the ones that I've got on the top of my head that I'd like to get feedback on.

One last point before I open the floor. Sebastien has been telling the small group that there's a small window of opportunity for ICANN Org to get this into their Q1 2023 engineering cycle. In order to make that cycle, they would essentially need a decision by the October GNSO Council meeting, which would be October 20th. And the document deadline for that is October 10th. If we don't make that, that doesn't close the door. It just pushes back the dates by which this could potentially be delivered. So I think it's important to understand there is that window of opportunity. If we decide, "Hey, this is a great idea. We need to fast-track this and get it moving," it's a very tight window of opportunity in order

to hit that, but that doesn't close the door. That just pushes back when it could be delivered.

So with that, I think I'd like to open it up to any questions you have, but in particular I'm really hoping to get feedback on how I should be proceeding within the small group. There is a small group meeting scheduled for Thursday. So we are looking to move rapidly and get this really moving now that we have the design paper.

And, Sam, if I could, I'm not in the Zoom at the moment, so can I look to you for the queue?

SAM DEMETRIOU: Yeah. We have Sophie, Beth, and then Kurt.

SOPHIE HEY: Thanks, Sam. And thanks so much, Marc, for all the hard work you do in the small group relating to the WHOIS disclosure system. You made a couple of points about the importance of having good quality data, and it sounds like it's not going to be compulsory for registries and registrars to be participating in this pilot. And, again, that could potentially go towards the credibility of the data. And, again, appreciating it's a pilot and not a consensus policy, has there been any discussion or consideration in the small group about how to log those particular requests and to

make sure that it's recorded that those requests are being made? Thanks.

MARC ANDERSON: Thank you, Sophie. Yes, that is something that has come up. The design paper itself does not take that into account, but it's a gap that was pointed out, I think, initially by Steve DelBianco. But I think his point is very valid: that there should be at least a way to record the number of requests logged by non-participating registrars. So the design paper as it stands now does not account for that, but I've supported the fact that that's a metric that we should be tracking. And if we don't have that data point, I think we're missing a key piece of data down the road when we're trying to make a further evaluation on what next steps should be.

SAM DEMETRIOU: Beth?

BETH BACON: Thanks very much. I wanted to share a little bit with the group and with Marc as well that we had to discuss this a little bit at the joint CPH-ExComm level, just because we had a meeting this weekend and it had just followed the GNSO presentation on this. It was very interesting. And we really came to the conclusion that it's not only optional for registries but it's specifically not for registries for us.

And it's optional for registrars. So frankly , a lot of these questions, I think, behoove us to lean pretty far into what our registrar colleagues like and want it need, as opposed to making decisions on their behalf. So I think that's important, and maybe we can do some more specific outreach there with Greg and others.

I do want to note also that, just listening into the small group's work, I think that trying to think about what's going to happen super far down the roads with regards to maybe another PDP or amendments might be a little too far down the road to think about. I don't want to predispose outcomes. And again, we want to think about giving this pilot because it is largely meant to gather some data, see what the uptake is—and not just by contracted parties/registrars but also by users. We're trying to gauge demand for this type of service before we send bazillions of dollars. I think that was the actual dollar amount that they estimated—a bazillion dollars—it was going to take to build this. This SSAD Light is less expensive but is still seven million or something like that. I could be making that up, but it's still a lot of money.

So let's discuss it with our registrar colleagues. Let's let this run, see how the numbers come back, not only for the contracted parties but also for the users, and see if this is something that

warrants more work before we think about future PDPs and that sort of thing. Thanks.

SAM DEMETRIOU: Kurt next, then Werner.

KURT PRITZ: Thanks. And thanks very much, Marc. I have two clarifying questions. And maybe I missed it right at the outset. When the original policy recommendations written and it was a cost recovery model, was that for the operation or for the development and operation too? So that's one clarifying question.

The other is, is there a threshold question. I think that Becky raised, during our meeting with the Board, that the Board is looking for the GNSO Council to tell is whether or not to go ahead with SSAD Light in the first place.

I have a follow-up, depending on what your answers are.

MARC ANDERSON: Thanks, Kurt. So the first part of your question was on the cost recovery aspects. And the EPDP Phase 2 recommendations on SSAD were that the ongoing operations must be covered by users. But it was a little more flexible on the initial development costs in

that it allowed that ICANN could fund it but that they could also recoup those costs as the system operated. So I think that answers your first question.

I'm sorry, what was your second question?

KURT PRITZ: Is there a threshold question about whether we're going to go ahead with this in any shape at all? It seemed like Becky, in her briefing on this, said we're looking to the GNSO Council to tell us whether or not to go ahead with this SSAD Light.

MARC ANDERSON: So the next steps are for the small team itself to come together and hopefully come to a consensus position on whether to recommend proceeding with it or not. That position would be sent from the small team to the GNSO Council. So this is a small team put together by the GNSO Council to help inform them. And so the GNSO Council would take action based on that small team's recommendation.

Does that answer your question?

KURT PRITZ: Yeah, perfectly. So I think that we should be fairly strong on recovering at least the operational costs for this first process

because that, as you said, is going to affect demand. And one of the purposes of the whole exercise is to assess demand. And so without that, we're lost. We could slack off on lead development costs and let that slide, but I think there should be some charging for using the system because that'll fundamentally affect the demand.

Second, it's odd, I think … We've debated past … Well, in our last meeting, I think we talked about what happens when SSAD Light falls down because nobody uses it. So this is sort of an investment that's kind of gamble. And I don't know if Beth's seven million dollars is right—I heard three million dollars—but nonetheless, the decision is, do we invest this three million dollars in this system to see if there'll be broad outtake and see if its utility can be expanded or if it's useful in the first place. Whether or not to make that three-million dollar gamble doesn't seem like the purview of the small team or the council. It seems like a Board fiduciary decision. So that makes it kind of hard for the small team to go ahead. And I kind of think the Board is using the GNSO as a crutch to get out of that tough position, but I think it's kind of their duty. Thanks. I talk too much.

MARC ANDERSON: Thanks, Kurt. And if I could, I'll say that the ICANN Board, when it first received the operational design assessment, reached out to

the GNSO Council. They had one or two webinars. Members of the EPDP Phase 2 team were also invited to that. I think you were on those as well. There were some of what I thought of as very productive and open dialogue between the different groups about, "Okay, now we see this report. What do we do next?" And for better or for worse, what was agreed on is the creation of the small team, which included liaisons from the ICANN Board.

So when the small team started coalescing around this idea of an SSAD Light system, the small team went to the GNSO Council and said, "We would like time to kick the tires on this idea to see if it has legs, to see if it's something worth pursuing." And the GNSO Council sent a letter to the Board and said, "Hey, we would like you to hold off on considering the SSAD recommendations until we can consider this idea of an SSAD Light further." And the Board responded back to council accepting that and has held off on considering the SSAD recommendations.

So for better or for worse, that's the situation we're in now and where the ball is on this issue.

SAM DEMETRIOU: Next we have Werner. We also have Rick and Maxim. And then it's probably good to close the queue at that point to get to the rest of the agenda.

I just wanted to note there was a lot of really detailed info in Becky's summary of this topic to the GNSO Council in the GNSO Council/Board meeting that took place this morning. I would encourage folks to go and look at that transcript or listen to that recording to understand where the Board is at on this subject.

Kurt, to your question about this being a matter of fiduciary duty, I got the impression that the Board is of the mind that, if the council says, "Yeah, cool. Let's do this," they'll spend the money on it. I don't think that's another question. But I think her comments are pretty elucidating to that effect.

So Werner, Rick, and Maxim.

WERNER STAUB: I think we certainly should welcome this initiative. And there's little decisions to be made as to what we would like to encourage ICANN to do in certain details and aspects, but it goes in the right direction because it gets the representatives of the customer in direct contact with the requesters as opposed to collecting data in some place and then storing it and then not knowing where it goes.

On the payment question, I don't think the amount that ICANN is spending on this is relevant in any way. The amounts that they wrote are staff costs that they will have, in actual effect, anyway, regardless of what we do, because the problem is not going to go

away. So if we don't this system, the same staff costs will just be invested in eternal debate. So that is not an argument in terms of cost.

In terms of whether people should pay for it as requesters, actually the cost of making people pay in a credible way that actually would work is so that … Typically, if it was supposed to be a modest cost, then that would just go on that the expense of making people pay, which is like a tax which would cost as much to levy as it brings in.

Now, this may be a good idea in the context where we would like to use the payment as a way to be sure about who is involved. That could be a way.

So I wouldn't say this is an absolute no, but I don't think it should be done with the objective of making the end users pay because the amount does not justify [it]. It would be really disingenuous to say that. It would be justifiable if you have a good reason to use the payment as a way to get additional security in terms of knowing that we have accountable requesters.

SAM DEMETRIOU: Sorry, I clicked away from Zoom for a minute. Rick and then—oh, sorry. Marc, did you want to respond to Werner at all?

MARC ANDERSON:	Yeah, if I could just real quick, Werner, I'll just say this was something that we considered during the Phase 2 deliberations. And it was pointed out that having some fee, even if it's just a nominal fee, is also a useful tool to prevent abusive requests. So that was one of the reasons why, in the end, the SSAD 2 recommendations included a fee for requesters.
SAM DEMETRIOU:	All right. Next, over to Rick and then Maxim. And then we'll draw a line under this topic.
RICK WILHELM:	Thank you, Sam. I would just offer that, right now, to my understanding, the estimates from ICANN in order to build the new system are not inclusive of any mechanism to take payments or otherwise secure the system for that. And I think that they're talking about basing the user-facing portion of that on CZDS. And CZDS, to the best of my knowledge, doesn't have any payment mechanism built into it. And so, if the group is thinking about asking ICANN to include a payment mechanism, it would both take time for ICANN to put the estimates together on that as well as to actually do that work.

And as probably a lot of folks here know or perhaps intuitively understand, grafting payment capability and securing a system for payment that has not been thought about for payment

previously can be a non-trivial operation. So that could and would likely materially affect ICANN's estimates. So it shouldn't be undertaken lightly, especially given the other previous considerations about payments, which I think were entirely valid. Thank you.

MARC ANDERSON: Thanks, Rick. And that's a good point I should have made upfront. Yeah, the estimations that ICANN provided don't include billing as a component at all and would be a considerable rework. So that would amount to both a change to the cost and complexity, but perhaps more critically, the time it would take. They would need to go back and rework their design and certainly would add complexity to a system. One of the key requests we had for ICANN was, what could you do quickly, easily, and cost-effectively? So I think this discussion has been great, but it's also teeing up nicely why this has been such a difficult topic for me to figure out how to represent the registries on.

SAM DEMETRIOU: All right. Maxim, last one on this topic.

MAXIM ALZOBA: Do I understand right that this is a test system, like proof-of-concept system, which not necessarily is going to be transformed

into something else and, most probably, whose design will not allow it to reuse the [report], etc.?

MARC ANDERSON: Thanks, Maxim. I think I'd say it depends. It is sort of a lightweight, minimum-viable product, if you will, of what an SSAD could do but I think Beth was talking earlier quite well about not presupposing what comes next. And we may get to the end of that and say, "Hey, this system is working great. We should just keep doing this," or we could get to the end of that and say, "Hey, this system is working okay. We have a few tweaks we would like to make," or we could say, "We want to throw this out and start over with something new altogether."

So I don't know if I can answer your question, and I think maybe the answer is maybe, depending on how successful or what the results of a potential pilot would be. So it's not a very concrete answer, but I think that's the most accurate one I can give you.

SAM DEMETRIOU: All right. Thanks, Marc. And thanks, everyone, for weighing in and providing some input for Marc to take into those small team discussions later this week and then beyond.

All right. Next up on the agenda, we have some updates from the ongoing EPDPs, PDPs, and other policy items. Folks, as you're

introducing the topic and teeing stuff up—I'm just doing a time check; we have about 25 minutes left—if you have anything you want feedback on or member input on, just please flag that. And if we don't end up having a lot of time for it today, we will add it to the agenda for Thursday. And then, as always, we have the option to add it to the agenda for one of our upcoming biweeklies.

So I'll first I'll hand it over to Dennis for the IDN EPDP update.

DENNIS TAN: Thank you, Sam. So this ICANN week, we had two back-to-back IDN EPDP sessions. There's a whole lot to update this Registry Stakeholder Group on, but let me just focus on, in the interest of time, a few key updates.

So the first is we anticipate issuing an initial report by year's end, but because of how the deliberations are progressing, the leadership team is determining to break the initial reports into two parts. And that makes sense.

So the first one is about the top level. We will focus on the top level and the root zone LGR—what are the variant definitions and top-level domain names? And the second initial report that's going to follow up is going to focus on second-level domain names and the rest of the work of the IDN EPDP, the reason being that we have gone through most of the items/questions on the charter on top-level domain names, but on the second-level

domain names, there are additional considerations that we are bringing the experience and technical expertise of the CPH TechOps on in order to provide us more insights. So that's basically the reason for breaking up the initial report.

Another interesting update for the stakeholder group to be aware of is that the EPDP will incorporate this risk management framework. To that end, they invited James Caulfield from risk management, ICANN Org. And the reason is to bring in this structure [of] how to define and determine what are the risks in terms of just, as a way of example, how we're dealing and the differing of opinions. How do we want to put some structure into the different opinions about risk when you introduce variants into the DNS. And there are obviously some security and stability concerns, but how do you actually measure those opinions of what is a threat, how much is it, is it server, is it not severe, and whatnot?

So the leadership team thought it was a good reason to bring some structure to the conversation. And that's why we're going to apply a risk management framework. Happy to share that material with you. It's very generic. But that's something that we were told is new that they're going to bring to this for the first time, to a policy development process. So we'll see how that goes.

And I think I just want to, in the interest of time, leave it at that—oh, sorry. Just one more thing. I want to share in the chat box a link to our position paper on string similarity related to the hybrid model that I have been updating the stakeholder group on for a while now. It's almost ready, but if you have any feedback, please, I welcome that over e-mail or directly into that document. So I'm going to drop that link into the chat box.

And that's it from me. Any questions I'm happy to answer.

SAM DEMETRIOU: Thank very much for that, Dennis.

Any questions or follow-up for Dennis?

Go ahead, Beth.

BETH BACON: My only follow-up is to thank you, Dennis, for doing this because it makes my brain melt. And you do such a good job of explaining it. And thank for your biweekly updates. I really appreciate it.

SAM DEMETRIOU: Hear, hear. The only way I understand IDNs is when I talk to Dennis one-on-one. I fully confess that today.

Also, just my two cents while we're here. I think that decision to split the initial report into two and keep that progress moving is a really wise one. So kudos to the working group. Kudos to Donna, who I know is leading that, one of the Co-Chairs of that working group, for making that kind of, I think, good, tactical decision to keep this progress going forward.

And I think the idea of introducing a risk management framework into those discussions is also a good and novel approach because I think we all understand how vague assertions about levels of risk get you nowhere at the end of the day. And applying some structure to that conversation I'm hopeful will be really helpful. So, good ideas all around.

DENNIS TAN: Can I just quickly react to that? I think EPDP is bringing different representatives from different parts of this community. And of course, we have different views in terms of threats or whatnot and who is responsible to mitigate those threats and different things. Just as a way of example, there's this conversation about IDN variants and why are we doing this? And this is, at the end of the day, the user experience. And users are the ones exposed to IDNs, domain names, in general, and variants, for that matter. So we have voices of concern that, of course, if we introduce variants,

what are the expectations from the end user standpoint? And in general, we agree that that's the goal of the variants as a concept.

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