

**ICANN Dakar Meeting
Best Practice to address Abuse- TRANSCRIPTION
Wednesday 26th October 2011 at 09:00 local**

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Coordinator: Please go ahead. The call is now being recorded.

Marika Konings: Thank you very much. So good morning everyone and welcome. My name is Marika Konings. I'm a Senior Policy Director for ICANN and the capacity I support is the GNSO and its policy development activities. Thank you all for coming at this early hour of the day to talk about best practices to address abuse and the idea for me to first provide you with an overview of what we're talking about when we talk about this topic. And hopefully open it up for discussion and you know get your input on the paper and hopefully as well some feedback on what you believe the next steps should be for the GNSO Council to consider.

To provide you with a little bit of background on this project, already a while ago the GNSO Council set up what they called a Registration Abuse Policies Working Group, and that group was tasked to look at which aspects of registration abuse would be suitable for policy activity. And that group came up with a whole list of recommendations, and one of those what that there should be effort undertaken to explore the creation of nonbinding best practices to help registrars and registries address the elicited use of domain names.

So following on from that recommendation, the GSNO Council decided that it didn't want to follow the PDP route or the Policy Development Process route, as you know we're talking about best practices, so nonbinding and not looking at policy development per se. They decided not to follow the traditional policy development process route, but in this case, actually request ICANN staff to prepare a discussion paper.

However, there is no actual definition of what a discussion paper is or what it should contain, so you know we basically filled it in ourselves. And from our perspective, this paper is really to provide an overview of all the elements that we believe should be part of the overall discussion when looking at this issue and as well provide some recommendations on how this effort might be taken further.

So you know as we did want to get some community input on this topic, we organized a workshop in Singapore to get community feedback on this. And then we invited - basically I think we had representation from the different aspects of the GNSO community as well as some you know external experts on best practices to talk about it and you know get some really valuable feedback there.

Based on that feedback and staff discussions we've had internally and research, we finalized the paper and actually submitted that to the Council in September of this year, and basically, it's now in the GNSO Council's hands to consider what to do next. One of the recommendations we've made apart from next steps I will talk about shortly is to actually just put the paper out for public comments. Because we think it would be valuable to get community feedback on what we've included in the paper and hopefully as well get some feedback on what the community feels that the GNSO Council should do next.

So what is actually in the paper? So we start off by talking about scope-related issues. You know from a staff perspective, we do consider this within

ICANN's mission and in core values and consider this a high priority. We've actually been criticized for saying that over the weekend, but think having seen discussions taking place yesterday and as well on the weekend, you know some others might agree with us that it's a priority to address abuse.

So then the paper basically goes into consideration of some of the aspects that we feel need further consideration and making sure that you look at a kind of robust framework for best practices. Because I think the first question is one of the key ones you know talking about best practices and what makes a practice a best practice.

I think you've seen that, and you know in certain working groups have already come forward with best practices recommendations, but there's no real definition or accepted definition within ICANN what that actually means and who verifies that or what kind of criteria need to be met in order to call something a best practice. So that's I think from our perspective one of the first questions that will need to be addressed and defined.

Then in other issues, we're talking about identification or creation of best practices. As we've seen in the little bit - you know we have found a whole list of practices that might be suitable or candidates for becoming best practices, or are we also looking at a process for actually developing best practices.

Then there's discussion on defining the nonbinding nature, because I think there are you know various forms of nonbinding that you can have and we've discussed in the paper a couple of variations, one of which actually got some criticism over the weekend. There's one where we're talking about you can have for example nonbinding best practices, but once a contracted party adopts those, they becoming binding for example in the form of a code of conduct or something like that, but some felt that that cannot be considered as nonbinding. But I think again what we really tried to do here in the paper is just provide different options for discussions.

We're not saying A is better or B is better; we're just saying look these are some of the different avenues you might want to explore in the context of such an effort and we discuss also ICANN's role in this because we consider it a priority. But at the same time, you know we recognize it is not clear from the outset what ICANN's role should be or what the community would like ICANN's role to be.

You know should it be as a convener, facilitator, would it be seen as maintaining, enforcing? Those are as well some questions that will need to be addressed and defined in the context of moving this forward. On the discussion on resources and process, you know how to do you go about this, what kind of resources are you looking at, and then some more you know practical questions.

Once you've answered those first couple of questions, you need to start looking as well. Okay, once you have a framework in place and you have an accepted definition of best practices, and you have a way of you know defining the nature and you are clear on what ICANN's role is, how do you go about maintaining best practices, reviewing those, making sure that they are effective. You know work on promotion and dissemination, looking at you know questions such as you know cost versus benefit, but also incentives. How do you encourage adoptions once you've come to the agreement on what you know those best practices should be.

As I said, you know we've done (quite some work). Steve Shang sitting next to me and Dave Piscitello have done a lot of work already on putting together a preliminary (adventury) of current or proposed practices. I think they are all included in the annex of the paper and you know a lot of the ethic advisories are for example in there and recommendations that stem from their report. I know we refer to several I think APWG recommendations. We've looked as well as existing registrar and registry policies, so there's a long list.

And you know we've tried for each of those as well to identify to which kind of abuse they would apply. Because as part of this effort, we actually got a list of elements that we needed to look at and signs of abuses that we would be looking at for best practices, so we've tried to match those, and then we also provide some proposed next steps.

As I said from our perspective, I think the first next step would be to put it out for public comment, but then I think it would be for the GNSO Council to consider okay so how to move this forward. And just from our perspective, I think you know we would recommend that the GNSO create a working group to first establish the framework. And as I said, that working group would need to address some of those questions that I just spoke about and really define the framework. You know what does it mean when we talk about best practices.

But in parallel, we would recommend that a cross community technical group would be set up really consisting of experts that would look at proposed candidate best practices. Of course the two efforts would need to be closely aligned you know because there is some overlap there, but we feel that might be an appropriate way of moving this forward.

So as I said, it's now in the hands of the GNSO Council. There was already some discussion over the weekend on this issue, and you know as already mentioned, there was some pushback. Some people were of the opinion that you know maybe - you know before putting the paper out for public comment, some parts would need to be taken out because there's disagreement on whether it should be in there.

You know so it's not clear yet what the GNSO Council will do. We will have a further discussion on Thursday, but I would like to encourage you now to maybe already share your views. And I would be happy to take that back to the GNSO Council on Thursday to you know provide them with some input on

what was discussed here today and what at least those attending the meeting felt would be an appropriate next step.

And I also listed here - because one of the other recommendations of the Registration Abuse Policies Working Group would be to actually not only in the field of abuse but as a general matter look at how you can do the collection and dissemination of best practices.

So one of the recommendations that they came with is that that should be considered as well. And I think the Council decided in one of its recent meetings that that specific recommendation should be considered together with this effort because it might provide a basic framework that could be applicable to best practices in other areas as well.

So I think this is where we are now. (As is said for further information there's) a link to the paper, and of course the workshop here today is intended to provide you with further feedback, but also get your input on this. And with that, I would like to open the floor for questions or comments.

Wendy I think you're dying to speak here. Go ahead.

Wendy Seltzer: Thank you Marika. I wanted to address something that was in the report, although not necessarily in the presentation here, and that was the (SAS) recommendation that the best practices be considered by a group of technical experts rather than by the larger community.

And I wondered whether we might discuss that a bit further. Because it would seem to me that a lot of the aspects that the report discusses, especially on the side of you know protections for those safeguards in the best practices, might draw upon a different group of expertise than you know recognizing in the first instance an asserted bad practice. And so that it might be appropriate to get the entire community involved.

Marika Konings: This is Marika. I think that's a very fair point.

And at least from our perspective, the technical working group was never intended to be a closed group that would you know decide everything by itself. At least you know from our perspective, it would be more bringing those people together that have experience in the area of you know developing abuse practices. I mean that could definitely include as well experts from the area you are talking about, but I think in any event, like any working group, there would be several opportunities for public comment and providing input. And at the end of the day, you know those recommendations would come back to the GNSO Council for consideration.

But as I said, you know I think that's why I would like to take the GNSO Council discussion as well. You know these are just very broad recommendations. Where the real you know definition of the next step will be is if for one the GNSO Council decides to further, there will be a need to develop that charter. And I think that's where the Council can then define and really express its limitations or you know the broadness of the effort and provide specific guidance as well onto who should be invited or who should be you know part of such an effort.

So I think that the - you know definitely a very valid point. I think that you know the focus then should be if the Council goes forward. When you start preparing the charter, I think that's where you want to define then you know the expertise required for such a group. Should also include what you mentioned.

Steve DelBianco: Thanks. Steve DelBianco with NetChoice. The focus of the presentation reveals that you are trying to focus more on the framework rather than the substance at this point. And certainly the substance on it might be one that technical people would pay more attention to, but the framework is something the whole community has to care about.

By framework, I assume you mean how would this affect - how could this be brought to be emulated or - disseminated was the word you used - with respect to the parties that could actually adopt best practices. And when Council considers it and the community looks at it, we need an understanding of the realm of the possible ways that - possible framework scenarios that could be done.

For instance, could it be fast tracked to become part of the RAA or it could be completely voluntary, and how would we recognize a registrar contract party or anyone for that matter who adopted it? Would we certify them? and so it would be great for us to understand what are the things that ICANN thinks it can do, which is probably a legal question as much as a technical one, in terms of recognizing people that adopt the best practice.

I mean we have an RAA, but let's suppose that this particular registrar adopted it all and certified that. They become an RAA plus. They get some sort of designation. Things that we can do and is that part of the thinking yet to lay out what can be done.

Dave Piscitello: Hi. This is Dave Piscitello from ICANN. One of the things that I sort of had the most difficulty with when the staff was writing the paper was using the term best practices at all largely because in my experience, a best practice is an evolutionary process. And before you get a best practice, you have to agree on what practices you actually want to try, what constraints and experimental bounds you want to put around the practice to try to understand and how to measure whether or not it is effective.

So out of those practices emerge practices that are what I would call in this context candidates for best practices. At that point, what you need is some agreement for a broader adoption in a less constrained environment to determine whether or not the experiment has actually illustrated the practical range of cases and you have taken into consideration the exception cases.

And this is where I think the Council ends up before it begins to - you know and policy begins to be involved.

Early on, you are literally in the think tank in sandbox mode so to speak because you try to get a couple of people who have a practice and are willing to share it and willing to experiment with it and share the results. And so that's a controlled environment. Once you start to scale that to see whether you can actually accommodate you know a system as large as the Global Registration System, you have to have other boundaries, and constraints, and perhaps you know legal frameworks along with the technical frameworks.

So there is in some sense two control planes. There's the technical control plane that the operational people at a registrar would have to you know be very (intimately) involved in and contained so that there aren't serious flaws. And if there are, they can be quickly resolved.

And then when you move into that second tier, you now have to think about okay if we are going to scale this, what are the other issues that we have to take? To those emerge the ones that have met the test of time and the test of you know broad application, and those are the ones that look like they will stay and endure. Because you don't want a best practice or a policy that you know has like a very short tail. You know once you've implemented it, it's not very applicable.

And so it's a bit of an evolutionary path here that is pretty well applied in other communities and other industries, especially in the hardware, you know (routing) kind of environment, and that was the model that I had in mind. I'm not certain that everybody shares that, but that's the plan that I had in mind.

Steve DelBianco: What would be an example of a hardware certification process where best practices are publicly recognized so the customers can pay attention?

Dave Piscitello: So the best practice is not always a certification. A best practice is perhaps something that you always do.

For example, a best practice you know in operating a router is not to use clear text telnet from the administrator workstation to the router because the traffic can be intercepted. So we used to do that in the 1980s and then we evolved to using something like secure shell. And now nearly every you know router vendor voluntarily you know offers secure shell and every user who has any security clue uses secure shell. And so that's an example of how something would evolve in my mind.

So if there is a phishing kind of monitoring or a phishing kind of detection that has a very, very high accuracy rate, it's demonstrated in the lab, and it evolves out of - and it scales to large populations with very, very small impact in a false positive world. Then my expectation would be that registrars would - and it looks like it can last. It's not something that could be defeated. That registrars would all you know entertain implementing that.

Marika Konings: So I think Margie and then Martin.

Margie Milam: And that's why on the staff paper we made two recommendations. We made one on the technical group, which is kind of the process that Dave suggested, and the other one was more of the framework question where you know more of the policy. People think about the framework that the GNSO Council wants.

And we didn't feel that it was our place as staff to provide a path forward. We gave options that were listed in the paper of different ways that the framework could be set up, but that's kind of the thinking behind why we went that route. One group for the technical and one group to really explore okay what would be the best way within you know the Council view as to how we could do this in this industry and that's something that could be explored.

Steve DelBianco: But if I might just follow up on that, a lot of you were at the GAC Board meeting last night. Things have changed. We now are in an environment of intense pressure to move from best practices and recommendations into adoption. So suddenly the focus after last night frankly becomes how can we as quickly as we can have a broad adoption of the very best among our practices.

Marika Konings: But I think we still - we need to get the framework right. Because you know we can have - if we just list them on the Web site and there is no real structure behind it, it's not going to go anywhere. So I think we do need to do the due diligence, but yes you know we should - if this is considered a priority, we definitely should - we need to move on it.

And just to add you know to Margie's point, one of the suggestions we've made in the paper as well is maybe to look at some of the other industries and see if there are some examples there and if there is something suitable that might result in a very quick- saying look. You know we can use the model that they are using and it's an industry-wide adapted, and just you know use it in a similar way here.

So that's one of the practical examples where we are saying look. We might not need to build it from scratch if we can find something that you know scales to what we are trying to do here.

So Martin.

Martin Sutton: Just taking on the points that Dave was referring to and sort of linking that out to the Internet user perspective. From the banking industry there are good examples there in the past where they were all being targeted for phishing, but each individual institution would be giving out their own messages - safety messages on how to deal with this sort of thing. They were totally inconsistent, but within that, there were some excellent messages.

So working together there was a standardized script that was created and that to the Internet user is extremely valuable. And they are getting - wherever they go within that industry, they are being told the same message. Interesting enough, phishing is now a problem for the registrant community. So the same sort of thing can apply, but that's already been done. Those messages can already be taken from other industries and very quickly adopted if it makes sense to adopt it for this particular industry.

Marika Konings: I have Dave in the queue. Is there anyone else?

Dave Piscitello: There's also I think a distinction between some of the things that are being discussed between the GAC and the board and some of the things that we are discussing here. I view the kinds of things that the technical work here would be as a micro level activity, not a middle level activity. So an example of a - I gave you an example of what I thought a micro level activity would be. It's operational.

Some of the things that could (innate) from - you know from a discussion and result in changes in policy out of what the board and the GAC are doing might be a requirement for a public abuse point of contact. And the only thing you have to actually have in your contract would be a description of what the contract - what the abuse point of contact is and what the obligations are on the part of the registrar. You don't have to tell him how to implement it.

So you know the - some of the real you know tricky molasses to walk through really end up in how you do these things operationally often and then establish a consistent base marker or measurement to make certain that you don't have negative effects of what you implement.

And you know in an abuse point of contact scenario, we have lots of examples where public abuse points of contact are very, very effective. The responses - you know it's very uniform and the mechanisms are transparent. And they - or they facilitate things and they are very visible to the user with

visible results. You know with all sorts of help, (desk activity), (all sorts of trouble reporting), and feedback, and formal mechanisms exist, and so any of those could apply.

Marika Konings: Margie. Rod.

Rod Rasmussen: Excuse me. Rod Rasmussen. I just wanted to comment on the paper itself, and I don't know if I've done that publicly. So I thought this was - it did a very good job of capturing the essence of what we talked about on the RAP Working Group. This issue came up as a way forward within that group when we were kind of stuck, and you know the very tricky issues around scope, et cetera, of use versus registration abuse and things like that.

So we wanted to move forward and get consensus within the group on how the ICANN community could - and ICANN itself could promote practices that dealt with things that weren't necessarily policy related and make the overall industry if you will a lot better to deal with from many levels. So this particular area proposed a way forward that everybody could work with, live with, et cetera, and I believe it was adopted unanimously within the group.

And I'm - I would like to say that this paper has captured a lot of things we hadn't even thought of in the discussions there, but it really lays out a lot of the different options and different ways forward very well. So just a general comment on it; a supportive comment on how you guys put this together.

Marika Konings: Thanks. That is very much appreciated. Margie, do you have anything else?

Margie Milam: Yes, I just wanted to follow up on what Steve's question was. If you talk about things that would go in the RAA, they are more likely to be high-level things you know like have a point of contact to possibly have a duty to investigate, but it's not going to say you know take it down or you know this is the process you should follow.

So I see these efforts as two separate efforts. One the RAA having you know a high-level obligation to do something whether it be to investigate, have a point of contact, allow law enforcement to you know have access to your information, something like that. And then this effort is more in the lines of okay you've dealt - you've identified a malicious activity. This is what you know seems to be standard in the industry for dealing with it.

And so they run in parallel in my view. They don't - you know because we are talking about actually doing the negotiations, I don't think it precludes this effort at all. I mean this effort you know in our view is still you know important and a priority.

Jeff Neuman: Yes I think in this effort it's going to be very important not to talk about anything to do with contracts or what is in the RAA or what goes in a registry agreement. I view this effort as something akin to what happens in the ITF.

In the ITF when you write an RFC, it's all voluntary no matter what. If you don't follow what's in the RFC or if you state you are in compliance with the RFC and you don't follow it, you are pretty much shamed by the community, right. So we need to be taking that approach.

There's too much emphasis whether it's in this whole community about what goes into the contract. And as soon as you get - as soon as you start going down that path, you get the registries, the registrars completely not wanting to participate in the project. If there's a truly altruistic goal to develop best practices, you have to not ever talk about you know how are we going to enforce this or what are we going to do to penalize those that don't follow it.

You want to talk about your best practices, develop them. and then you know if people want to say they are in compliance with those best practices and aren't in compliance, that's where you know maybe there's some things in place by ICANN that kind of go after those to say look. You can't say you are in compliance if you are not.

But if you keep delving into what goes into the contract, this effort is going to fail before it even starts. That was very important in the RAP group. That was very important in all of these discussions and there's too much emphasis in this community about how do we enforce it, what goes into the RAA, or registry agreements, or whatever. We need to focus on this is what registries do.

And you know Martin gave a great example with what the banking industry did as a best practice to respond to phishing complaints. You know I could ask Martin you know is any of that enforceable, what would happen if someone doesn't follow it, is there - did someone lose their banking rights. No, they all voluntarily agreed to do it. It's a great example and there's plenty of others out there.

And so I really strongly urge anyone in this group not to focus on well how do we enforce it or what goes into the contract because that's not going to be productive.

Marika Konings: Chuck.

Chuck Gomes: Thanks Marika. I just want to add a little historical information with regard to what Jeff just said. In 1999 when the first agreements for registries and registrars were put into place, registries and registrars were asked to sign up to a provision that most attorneys would never encourage their clients to sign and that is that we will abide by consensus policies sight unseen as long as they follow a specific procedure and cover certain possible subjects that all spelled out in the contracts.

As soon as you start creating a new avenue to change contracts - and all of our contracts have that provision that we will abide by those. As soon as you start to introduce other means of changing contracts that protection that was

built in for contracted parties that makes it feasible for them to sign up for something they haven't seen goes away.

So there's a fundamental construct with regard to consensus policies that is critical to making the contractual environment viable from a business point of view. So it's not just - that's why I wanted to add what Jeff said it's not just what - that registries and registrars are being obstinate; the very nature of our businesses are impacted by alternative means other than the consensus policy process for enforcing changes.

Marika Konings: Steve.

Steve DelBianco: Thanks Chuck. And I know Jeff walked in just a tiny bit late; I'm not sure when you sat down. But when I asked the first question I never mentioned contract at all. What I said was can we find some way of recognizing those who adopt a best practice and I called it the - we do an RAA, could we do an RAA plus where of course it's voluntary but it needs to be visible.

Because Jeff talked about the notion of the shame factor and I don't think that actually is going to work in the context of hundreds of resellers who are not that visible to the users using a Website that happened to have registered through a resellers.

And I only bring this up because last night we heard very sloppy statistics thrown around about the 80%/20%; the good guys and the bad guys. And the US government represented on the GAC said, what I don't think made any sense, but the notion that we already know who the good guys are; they're in the room negotiating then why don't we de-certify - de-accredit all the rest.

And I don't think she was serious when she said it but I don't really know if anybody in this organization knows who the 80% and therefore who the 20% are. So shame mechanisms, voluntary adoption, consumer education that will only work if at the point of use, when a registrant or an end user visits a

Website they have no visibility of whether a shamed actor was at work there because they can't see that.

So we have to find a way to surface whether best practices are being used. And I don't think contract ever came into it, Jeff - Jeff and Chuck. Contract was not part of the conversation about jamming it in. I don't think it's necessarily where we want to go either.

Marika Konings: So I have (Rod), Wendy, Martin and I also have a remote question.

(Rod): Thank you. I think that the whole notion here of this best practices facility was in order to get out of that morass we have with everything trying to be pushed into either a policy or contracts and it's seen as a way forward.

I think you'll see a lot of overlap with the things that were recommended as part of the - what came out of the RAP group with what law enforcement then went and asked for you to put in the RAA. If we'd had a best practices regime in place we may have been able to avoid some of the consternation that's been going on over this week because we would have had voluntary adoption and experimentation and surfacing of things that work well.

Now we're stuck in kind of a all - my way or the highway kind of back and forth in some of these issues. And that's unfortunate. I think that being - by being able use this much, you know, there's not a - this is a way of figuring out what works well and promoting things and getting things in play to satisfy a lot of different concerns.

I do think though that you do need to have a evolutionary program where you - as you develop things and they work for everybody then that could drop into a policy development process of some sort if there - if appropriate, right, if it's something that should be adopted as policy or perhaps even contract; I don't know. We don't know until we actually see what it is.

So having a mechanism framework in place that allows you to take things that are best practices and promote them at some point but through the standard practices we already - or procedures where we have I think is appropriate.

So you say never talk about it, Jeff, I think that's a little of an overreach. We want to have a way that is consistent and understood by people - how can we promote something that's decided as a best practice, everybody likes to a policy that's - if it's appropriate.

Marika Konings: Wendy.

Wendy Seltzer: You know, I think I find myself echoing a lot of what (Rod) just said that we want to be building a space where we can develop practices, test what works, almost a laboratory for identifying what works well in the field and people aren't going to be willing to take voluntary steps if they fear that the moment they take a step that's not currently required it immediately gets required and they have no opportunity to figure out whether it works in practice.

So giving a space that's less formal and less set in stone than contracts I think gives people a chance to do better than their contracts require. We can talk - I think it's useful to talk about the ways that we can inform people of who's doing a good job and the ways that they can use community norms to inform on one another and identify who's doing a good job and who's not without asking for an ICANN certification.

I think this will then allow us to build up a repertory of good and better practices and ultimately some of those might be practices that gain support for inclusion in contracts but I wouldn't jump to that step.

Marika Konings: Martin.

Martin Sutton: Just to add other experiences here because the example that I gave you is a very simple thing to adopt where anybody wanted to adopt this; unlikely that it would be a name shame type scenario.

But just to give you a flavor from certainly the financial industry perspective around the globe at the time that online fraud was raising more and more concerns it was interesting to see how different regions or countries responded to those events.

And so were very fast to apply heavy regulation which was indeed a burdensome cost for areas that were hardly impacted at all at that time. Yet in other areas where there was good cooperation and a best practice formation of sharing what they considered within a community was of value that was an excellent story to tell local regulators and to keep them informed of the situation so that they understood what the concerns were and how best to remedy those without having to lay the heavy hand of regulation on top of that.

And so just - I think it's useful to think of this as a friendly space where those interested in the community could (moving) on and understanding how to apply best practices. This is a safe place to do it.

If there is something of value for the whole community that needs to be pushed out in terms of policy it may well come from that best practice. But I think it is important to keep it understood as a friendly space to actually develop those best practices initially.

Marika Konings: Thanks. I have a remote question from (Adironka Adirniiji). I hope I don't mispronounce your name. Here she's asking what were the challenges faced while working on this policy? And secondly, did you factor in plausibility of the adoption of best practices by developing countries and LDCs bearing in mind the existing gap between them and developed countries.

Yes, maybe just first to clarify indeed it's not a policy at this stage it's just a discussion paper. And the paper itself doesn't specifically talk about, you know, developing countries or how it may apply. I think we do make reference to the notion that, you know, there are people that also don't have English as their native language and that there should be considerations, for example taking into account with that regard.

They could also talk about the importance of education and information. And I think there, you know, if this effort will be moving forward we will be looking as well at the registrar and registry stakeholder group, you know, who have presumably representatives in the different regions and provide input in that regard. And others are welcome to comment.

Let me just maybe go back to the queue and then I'll put you so you can still comment on that, right. Okay so I have Chuck.

Chuck Gomes: Yes, I just wanted to make sure that everybody understood my comment in no way detracted from the comments that were made with regard to best practices. I think you're right on and totally supportive of that approach.

Man: I wanted to address the question there - other comment. I think that - I don't remember whether - I think this came up in the RAP working group actually but I'm not sure.

But one of the reasons for proposing ICANN as a repository so to speak of best practices was so that it would make it far easier for people to have access to the ideas.

And there are two issues with the best practices, or maybe more but two that I'm thinking of right now. One is, you know, the - how do you adopt and implement them, it's the implementation side which, you know, there's certainly some restrictions there based on abilities, cost, etcetera.

But the other is just simply knowing what they are which is access to that information. And one of the issues we know with developing regions and the like is they aren't able to come to some of these meetings; they aren't able to participate as easily within the industry group so it makes it more difficult for them to know what other people are doing.

And it's not just for ICANN it's all industries. So having a central repository that is easily accessed, it's transparent, that's constantly updated is really a good way to help at least address that side of the equation when it comes to access and implementation of best practices.

Dave Piscitello: Dave Piscitello, ICANN. I think many of you are familiar with, you know, the fact that ICANN primarily through John Crain's direction does a considerable amount of education and training in DNS and in DNSSEC operations. And we developed training courses that are delivered all over the world and, you know, are very much targeted to a developing and emerging Internet, you know, providers.

You know, if I had to, you know, speak about a personal, you know, idyllic end game here it would be that we would be able to fold a lot of what would come out of this activity and incorporate that into some of the training we provide especially for those operators that provide their own registration services and some cases that's a very, very large ball of expertise to swallow running registration, running DNS, running DNSSEC.

So if we could fold that into the training program that would allow us to distill this and disseminate the information and raise the bar very, you know, hopefully very quickly.

Marika Konings: Any further comments or questions? Martin.

Martin Sutton: Just thinking about the dissemination piece; quite often the best practices are formed by those that willing and able to participate and generate the ideas so

the investment tends to be probably from a few but that can affect many so that others pick it up without having to invest time, money, resources.

So the tends to happen even in say a local market where, you know, to put for banks, there'll be a group of main banks in one area that devise some of these things with open input to others. But they will generally be the doers. And then it's adopted by the others because they've been following it, they have been able to at least take some of the output away but probably not been able to contribute to the extent that they may wish.

So I think there is benefits there in some way of a broader community being able to reap the rewards without having to invest a lot of time and effort in it.

Man: Not to be entirely whimsical about this but you actually know when a best practice has, you know, is successful when you see in your financial institutions marketing collateral as a competitive advantage. And so, you know, if you go to certain banks they will actually, you know, have a whole page on, you know, here's why you should trust us implicitly over others.

And they talk about machine identification and they talk about, you know, multi step verification and other protections that you have wrapped around your account.

Marika Konings: Steve and then Jeff.

Steve DelBianco: And, Dave, you get to the notion of market mechanisms where not the contracts and the lawyers but customers make the difference. The BC where I live is all about users and registrants. And a lot of what we've been discussing there aren't readily available mechanisms for users and registrants to exercise choice when it comes to understanding the difference, when a user a visits a Website of (Ank site) they're completely unaware of which reseller, registrar, name server hosts that domain; completely oblivious to them.

Registrants on the other hand they begin to learn that by some reason they happen to register through a registrar, they're being hosted at a service that has acquired a bad reputation that has been - what did Jeff call it - it has been shamed by the community in some way. Their only mechanism is to transfer to a new host, to a new name service.

So the market - I don't have an answer for this but my question would be as we investigate the framework the mechanisms by which - forgetting contract - the mechanisms by which the market can move, the market can learn and then react and move could exert a lot of discipline to reward with those who enact best practices and penalize those who don't.

But I think we should try to articulate those mechanisms so they have a long time delay, there are switching costs. Even assuming the education was perfect it's hard to know should I move my domain name? Has the registrar fixed those practices?

Because it's not as if I'm being affected necessarily but I might be tainted a little bit. And you need to give me an incentive to move because until customers begin to move then registrars won't begin to change behavior.

Marika Konings: First Jeff and then Dave.

Jeff Neuman: Yes, thanks Steve. I think a lot of these issues aren't really issues that affect registrants but more users, right. So if I go to Registrar A it doesn't matter to me as a registrant that they're not minimizing Fast Flux domains or the use of Fast Flux, right, that's more of a user issue. It's not really a decision of which registrar I go to right?

I mean, I suppose it could be if I was super educated in those issues and, you know, the less than 1/10th of 1%. I also noticed that there's a glaring absence of certain entities that are mentioned in here for best practices. You know,

there's no mention in here of ISPs yet if you go through this list a lot of these things affect ISPs at least as much or more so than registrars for example, you know, minimizing Fast Flux, DDoS text, you know, malicious conduct.

You know, a lot of that is actually done either at the DNS provider or ISP. And those entities aren't even on here. Since we're talking about best practices I would like to see for the first time a real involvement of the ISP constituency. I'd like to see their name in here intended for ISPs.

I'd like to see us do a global outreach to ISPs and bring them under the fold. And then we'll all, you know, talk about best practices. Because even if we implemented at the registry/registrar level that's only going to catch a very small percentage of all these things. So to the extent, Steve, you and the Commercial Stakeholder Group can really get the ISPs involved and get them to do a commitment to these best practices I think, you know, as a community we're going to be much better off.

Marika Konings: Just a quick comment because I think the initial request of a (call) to best practice for registries and registrars but of course the Council is free to add ISPs to that list as well. Dave.

Dave Piscitello: Yes, I was about to say that I fully agree with you. I think that the role that ISPs play is slightly different in all those regards and in fact some of it should be natural because it's self preservation and ISPs that are, you know, constantly inundated with DDoS have a really, really hard time surviving.

But I fully agree and I think that it would be very worthwhile. And clearly I'm interested in that space so I think you'd have staff support for looking into it if there was a resolution.

I wanted to get back to you comment. Another aspect of the problem of not having a reputation is that even when you do have reputation the recourse for a registrant is, you know, is an expensive one.

You mentioned some of the concerns about having to weigh the reputational trust, whether there's, you know, what kind of interruption in service or the amount of time you take to invest it but there's also a cost. There's a tangible cost of having to take your portfolio and pay the transfer fee for each of those domains and move it to someone else.

And so in some - in many ways even when registrants today are aware of the problem they're dis-incented by the financial model that we have. And even that might merit some, you know, some consideration. I mean, if, you know, if you're unhappy for a certain, you know, because there's a certain kind of service expectation of, you know, of reputation perhaps you shouldn't have to pay for, you know, for the transfer.

Marika Konings: Any other comments? Looking at the back of the room - feel free to come up if there's anything you would like to contribute. (Rod).

(Rod): Just like two things - Jeff, fully agree with your thoughts on the ISPs. I'd also say DNS providers, you know, basically the full stack of people involved in the process. I don't, you know, whether or not they pay attention to something coming from ICANN or not versus a different organization.

I know the ISPs in both Europe and the US are under intense regulatory pressure on these very issues right now and would probably be very happy to be able to reach out and say hey we're doing this, right. And we're, you know, they're trying to do that already in various other industry groups.

The - and I had another point but I forgot.

Marika Konings: Anything else people would like to mention? If not I just would like to emphasize again that this was of course, you know, I've been speaking about the paper but this has been a staff effort and you see Margie, Dave and Steve Sheng, we've all collaborated on writing this paper and hopefully we'll

be able to provide support in this effort, you know, if or when the Council decides to go forward on this.

As I said the Council is expected to discuss on this wrap up session what possible next steps might be so please stay tuned. And as mentioned there might be a public comment period or, you know, maybe the Council will decide to move forward by, you know, creating a working group or a drafting team to develop a charter. I guess that's in the Council's hands...

Man: (Unintelligible).

Marika Konings: I don't think it's on the agenda. Do we have an open mic because I guess people could also, you know, raise it. If you're saying look, hey, you know, we think this is very important and just want to echo our support for Path X or Y going forward.

Man: (Unintelligible).

Marika Konings: We did - we did have on Saturday we had a presentation and some discussion on it. But it's on the agenda for the wrap up session so, you know, it's not this afternoon I'm sure on the wrap up session there will be an opportunity as well. And otherwise, you know, channel it through your council members and I'm sure they can raise it as well.

So with that I just would like to thank everyone very much for your participation and contributions. And, you know, hopefully we'll see you back in this space when we go forward with the next activities on this. Thank you.

Operator, you may stop the recording.

END