

Subject: Policy Calendar for 13-Jun-2023 BC Open Meeting at ICANN77
Date: Monday, June 12, 2023 at 11:03:39 AM Eastern Daylight Time
From: Steve DelBianco
To: BC List
Attachments: BC Comment on ISPCP Proposed Amended Charter.docx

Here's the Policy Calendar for the BC Open meeting at 10:45 local time on 13-Jun at ICANN 77 (also in attachment "policy calendar.pdf")

Channel 1. BC participation in ICANN Public Comment process:

On 12-Jun we will file the attached comment on the [NomCom2 Review](#), thanks to Tola and Lawrence for the attached comment.

On 31-May we US Government's NTIA [proposal for new restrictions on .US WHOIS access](#). The reason is to harmonize .US policy with GDPR-imposed limits on WHOIS in other TLDs. Thanks to Mason Cole for drafting.

On 25-May we [commented](#) on the [proposed renewal of the .NET registry agreement](#). Thanks to Margie, Zak, and Steve for drafting.

Selected [ICANN Public Comments](#) and other opportunities for the BC to comment:

1. Phase 1 Initial Report on the Internationalized Domain Names (IDN) EPDP ([comment page](#)). Comments close 19-Jun.

The PDP WG seeks input on [prelim recommendations](#)

Thanks to Ching Chiao for drafting our comment.

Steve circulated Ching's draft on 29-May, incl Ching's report from the ICANN webinar, and discussion of prior BC positions.

Let's discuss any remaining edits at our 13-Jun meeting.

2. ISPCP constituency charter amendments ([comments page](#)). Comments close 26-Jun.

See their proposed [amended charter](#).

Thanks to Zak for drafting the attached BC comment. Let's discuss at our 13-Jun meeting

3. PTI/IANA Governance Proposal. ([comments page](#)). Comments close 5-Jul.

PTI Bylaws amendments include:

Modify timing for initial delivery of PTI Operating Plan & Budget, to a 90-day window.

Moving PTI from a 4-year strategic planning cycle to a 5-year strategic planning cycle, to align with ICANN's 5-year strategic planning.

In Nov-2022 we [commented](#) on the FY2024 PTI budget, thanks to Crystal Ondo, Rajiv Prasad, and Margie Milam.

Thanks to Rajiv for volunteering to draft this BC comment.

4. [Amendments to the Base gTLD RA and RAA to Modify DNS Abuse Contract Obligations](#).

Comments close 13-Jul.

These draft agreements were [published](#) last week, incl this new obligation for

Registrars:

“When Registrar has actionable evidence that a Registered Name sponsored by Registrar is being used for DNS Abuse, Registrar must promptly take the appropriate mitigation action(s) that are reasonably necessary to stop, or otherwise disrupt, the Registered Name from being used for DNS Abuse. Action(s) may vary depending on the circumstances, taking into account the cause and severity of the harm from the DNS Abuse and the possibility of associated collateral damage.”

We need volunteer(s) to draft a BC comment, and we should discuss during ICANN77.

5. See [Draft Framework](#) for closed generic gTLDs. Comments will close 15-Jul and we expect a(n) (E)PDP.

GNSO, GAC, and ALAC drafted “a workable framework to identify and handle closed generic applications for the immediate next round of new gTLDs”. The framework discussion will focus on options other than the two endpoint positions (i.e. no closed generics at all; closed generics without restrictions)

Prior BC positions on closed generic go back to our comments during the 2012 round of gTLD expansion. To summarize:

The BC would be concerned about consumer deception and competitor exclusion if a single competitor in an industry manages a closed TLD where the TLD string is closely identified with the industry. For example, say a travel company or a hotel chain runs .HOTELS as a closed TLD -- not allowing competitors to register second level names, while also controlling content on domains such as search.hotels, eco.hotels, family.hotels, best.hotels, cheap.hotels, luxury.hotels, etc. It’s easy to see how the TLD owner could bias content and search results on those consumer information sites, without consumers being fully aware.

The draft includes this principle, relevant to prior BC position:

“Purpose of gTLD must not be to solely exclude other parties from using the gTLD or to serve the applicant’s own commercial interests”

On 25-May Council discussed the [draft scope](#) of subsequent policy work to inform preparation of the timeline for this work.

6. NIS2, followed closely by Andrew Bennett, Nik Lagergren, and Marie Pattullo.

In The Hague we talked with [MEP Bart Groothuis](#) about NIS2 and next steps.

[NIS2 final text](#) approved by European Parliament on 10-Nov, and by Council on 28-Nov. final text [published on 27-Dec](#) (p.82), giving 21-months for Member States to transpose into national law.

BC will advocate for strong transposition by Member States.

Channel 2. Support for discussion and votes of our representatives on GNSO Council

Marie Pattullo and Mark Datysgeld are our GNSO Councilors.

Previous Council meeting was 25-May. See . [Agenda](#), [Audio Recording](#), [Transcript](#), [Zoom recording](#)
Council did not vote on any resolutions.

Council discussed ICANN Board [request for](#) GNSO Council views on the issue of NomCom rebalancing.

The ICANN community has been discussing the issue of rebalancing the NomCom for over 10 years, and the ICANN Board resolved to engage with the ICANN community to better understand community views on the rebalancing.

Specifically, the Board is seeking input on the following questions:

1. What does it mean to have a balanced NomCom at a point in time? For example, what criteria would you apply to measure or assess whether the NomCom is balanced? And further, how can one test whether or not the NomCom is balanced?
2. Do you support the view that the current composition of the NomCom needs to be rebalanced? Please explain why or why not.
3. How frequently does the balance need to be measured or assessed?
4. How do you suggest that the NomCom's composition be rebalanced?
5. Who should conduct this work, and how should it be conducted?
6. How would your community group prioritize consideration of this issue within your planning efforts?

Here, the Council will discuss the questions from the Board and determine whether it would like to provide input.

Council discussed the [draft scope](#) of subsequent policy work on closed generics in next round. Council received an update from EPDP Phase 2 small team on progress defining the [success criteria of the RDRS](#).

Next Council meeting is 14-Jun at ICANN 77 at 17:45 UTC/ 13:45 Washington time. [Agenda](#) includes:

Item 3: Motion to Commemorate **Pam Little**

Item 4: Timelines for SubPro. Council will acknowledge the work plans and timelines for: the pending recommendations, IDNs EPDP Phase 2, and closed generics EPDP

Item 5: DNS Abuse small team discussion

Item 6: Discuss Whois Accuracy scoping team recommendations.

Item 7: we'll have another go at the [GNSO Town Hall experiment](#).

It's an **opportunity to raise any topic or input on GNSO work.**

In addition, Council wants to hear **how to address the recent trend of attrition in GNSO Working Group participation** - a topic that was also discussed during the recent GNSO Policy Webinar.

Other Council activities:

1. **Transfer Policy Working Group.** (Zak Muscovitch and Arinola Akinyemi). Working Group looking at Early Input on these topics: (see [BC input](#))

1. Transfer Emergency Action Contact (TEAC)
2. Transfer Dispute Resolution Policy (TDRP)
3. ICANN-approved Transfers
4. Items raised in the Expedited Policy Development Process Recommendation 27, Wave 1 Report

Working Group is deliberating a **transfer reversal policy** proposed by a WG member (See [Transfer Reversal Gap Analysis](#)).

The latest Transfer Policy issue is a registrant-initiated transfer dispute mechanism. There has been considerable resistance to even the WG recommending in its report, that GNSO consider establishing a PDP to evaluate the feasibility of this despite us and the At Large forcefully making the case.

2. **GNSO Guidance Process (GGP)**. (Lawrence Olawale-Roberts). See [main wiki page](#), [Members and Alternates](#). BC member Segunfunmi Olajide is an observer.

3. DNS Abuse small team. Mark Datysgeld serves as co-lead.

CPH representatives met with ICANN Org for negotiations on RAA and RyA amendments to address DNS Abuse. ([Sally's letter](#)). To inform that negotiation, Mason drafted and sent [this letter](#) from BC, IPC, and ALAC on 23-Jan
 On 27-Mar the Board [responded](#) to [our 23-Jan letter](#).
 On 29-May, new draft agreements were [published](#) for public comment.

4. **Registrant Data Request System (RDRS)**, formerly known as SSAD Light

BC and IPC voted No on building SSAD, because we did not see value unless there was significantly likelihood of getting disclosures when we requested with legitimate purposes.

Steve is on [Council small team](#) on [SSAD ODA](#), to review a "ticketing system" without obligations for use or for disclosure.

On 13-Sep ICANN staff released a [design paper](#). Highlights:

ICANN org says development over nine months; development and two-year maintenance would be \$100,000

- It does not include accreditation of the requestors; No fees to the requestor.
- There is no obligation for automated processing of requests by contracted parties.

See [Council's 17-Nov letter to the Board](#). In Feb-2023 Board [directed](#) ICANN org to develop the System.

On 11-Mar-2023 the small team held a session in Cancun to hear about progress from Org's development team.

The system is now named Registration Data Request Service

Steve asked for the data model, up-front. To include images of screenshots submitted with requests.

Suggested batch request feature from vendors like AppDetex and Fairwinds

Steve said: Usage has 2 dimensions:

Quantity of requests & responses

Quality of requests & responses (origin, reason, detail, registrar, domain name, etc.)

Becky said board wants to know what we hope to learn from this experiment.

Will we learn what we need to determine next steps? Is SSAD fit-for-purpose? Did this make it easier for users to submit requests and for registrars to process those requests?

On 19-Apr staff released their data model, which does include the detail the BC requested.

But Steve objected to staff statement that it would not make detailed results available for our analysis, noting the [design paper](#) and [addendum](#) indicate access to data, even for non-participating registrars.

On 7-May small team call,

Steve lamented staff reversing their commitment to make data available. Staff and RrSG said they assumed “data” was just the reported aggregates and metrics.

Steve said the BC will look at reasons for disclosure denial, and compare those reasons to the new legal basis given in NIS2

Steve Crocker said researchers will want to do **reverse lookups**. Should be among success criteria. Sarah Wyld said that’s out of scope

On 15-May call, Sara Wyld said:

“If the data is “protected” (via P/P service) then only P/P data will be sent in response to the RDRS request. This is the same data as is available publicly. If the underlying data is required, that needs due process (warrant, subpoena, etc) and is not part of the RDRS at all. Due process requests are outside the scope of the RDRS, as is disclosure of data underlying a P/P service”

On May 16 and 17 ICANN held [webinars on the RDRS](#). Demo was good. They are very far along with this.

On 25-May Council received an update from EPDP Phase 2 small team on progress defining the [success criteria of the RDRS](#).

5. Subsequent Rounds of gTLD expansion (SubPro)

There will be an Implementation Review Team (IRT) for SubPro.

We need volunteers to represent the BC, naming one representative and one alternate. Thanks to Imran Hossen for volunteering as BC rep. And thanks to Ching Chiao for volunteering as alternate.

6. **Statement of Interest (SOI) exemption proposal:** (see [slides](#)).

The CCOICI found 0.03% members were using the exemption. This limited use led to conclusion that the requests for removal of the exemption language did not seem to be in response to a current issue but potential future situations.

CCOICI also noted that tightening of the exemption language, by providing further specificity as to what qualifies as a ‘representative’ may have even further reduced its use in these efforts.

Channel 3. Supporting discussion/voting on matters before the Commercial Stakeholders Group (CSG)

Tim Smith is the CSG Liaison for the BC.

Board Seat 14. CSG and NCSG ExComm will meet Thursday morning discuss common interests and to build a better understanding of each other's priorities. This will pave way for broader discussion on Board seat 14 and future candidacies.

IFR Representative. In April, the ICANN Office of the Chief Technology Officer (OCTO) notified CSG ExComm of a [Request for Appointment of Members and Liaisons to the Second IANA Naming Function Review \(IFR\)](#).

The IFR is an accountability mechanism required by ICANN's Bylaws to ensure that Public Technical Identifiers (PTI) meets the needs and expectations of its naming customers. The IFR team is mandated to review PTI's performance of the IANA naming function against the requirements set forth in the IANA Naming Function Contract and the IANA Naming Function Statement of Work.

Required is one representative to be appointed by CSG. There has been no discussion on this within the CSG ExComm. If anybody is interested, please let me know and I'll put a name forward.

DEADLINE: Friday, 30 June 2023 at 17:00 UTC

Meetings at ICANN 77:

CSG Membership – Wednesday, 14 June 2023 at 19:30 UTC

CPH and CSG Membership – Thursday, 15 June 2023 at 17:45 UTC