JULIE BISLAND: Okay. Good morning, good afternoon, good evening, everyone, and welcome to the DNS Abuse Mitigation PDP-1 Working Group call taking place on Monday, the 3rd of August, 2026. For today's call, we have apologies from Eric Rokobauer, RrSG; Michaela Shapiro, NCSG; Steinar Grøtterød, ALAC; Kathleen Scoggin, ALAC; and Lawrence Olawale-Roberts, BC. Alternates for today's call are Theo Geurts, RrSG; Edmund Brahene, NCSG; Eunice Perez, ALAC; and Vivek Goyal, BC. Statements of interest must be kept up to date. Does anyone have any updates to share? If so, please raise your hand or just open your mic.

PAUL MCGRADY: Hi there, this is Paul. I hope you guys didn't hear the spill behind me. I'm in a vacation condo in Telluride. It's our last morning before we leave to go back home. I do have an update to my statement of interest. My law partner, Jason Elster, has retired from the active practice of law and is opening a mediation practice. I'm excited for him. He's an old friend. But we have to change our name because lawyers can't keep using lawyer names. So I've changed the name of my law firm to Paul Law, LLC, and we're DBAing as Paul.law. And so I have spent about a half an hour this morning attempting to figure out how to update that in the ICANN SOI system. I think I'm going to launch a PDP on an SOI system that's easier to use. But anyways, I'm verbally letting everybody know now, and I'll figure out how to put that in as soon as I can. Thanks, everybody.

JULIE BISLAND: Thank you very much, Paul. Anyone else? All right. Members, participants, and alternates will be promoted to panelists. Please watch your screen for the prompt to be promoted. As a reminder, members and participants only may participate on the call. Alternates should not participate verbally or via Zoom chat unless they've been asked to replace the member or participant of their group or committee. Observers will remain as an attendee and will have access to view chat only. Please remember to state your name before speaking for the recording, and as a reminder, participation in ICANN, including this session, is governed by the ICANN Expected Standards of Behavior, the ICANN Community Anti-Harassment Policy, and the ICANN Community Participant Code of Conduct. And with that, I will turn it over to Paul McGrady. Thank you, Paul.

PAUL MCGRADY: Hi, everybody. Good morning. Thank you all for the great work done on the list and in the last call. Huge thank you to Nick for covering that call as chair. And let's just jump in. I think we are getting there. So, we've done the welcome. Let's do a quick PDP update. And Lisa, my wife, just came in the room. I knocked these over. Sorry. It's a public call, so you don't need to worry about it, and you're not on camera. All right. It's real informal today, folks, at the McGrady holiday home. All right, let's get into the PDP update if we can.

All right. Where are we? We are on August 3. This is our fifth read through the draft initial report. There are a handful of remaining things to go over in terms of the comments, and we will get through those today, hopefully. If we need it, we'll have a final call next week, August

10, for any pending discussion items and, well, I think we have to prep for a consensus call either way, so staff may tell me we're having that meeting one way or the other, but it may be a short one. Jothan, thank you for your comment in the chat. I'm out of clothes, so I'm wearing my Superman shirt on the airplane. All right. In terms of the consensus call, it will take place over a seven-day period. It's not a phone call. It's something that we do on the list. We are tentatively hoping to start on August 10 after next week's call. It'll run until the 17th of August. As mentioned, it's not a dedicated phone call or something like that. It's an email process. And we'll provide more information over the list and on our hopefully brief call next week.

All right. Public comment. Public comment lasts for 40 days. It will hopefully start on August 18. Once the public comment's closed, working group members are encouraged to review the comments received and to come into ICANN87 prepared for the discussion. Our handy staff will provide a summary for us to work through, and we will keep you guys informed as things move along. I don't know who has been through a public comment for a PDP yet or not. I shouldn't assume that everybody does, but we do take them very seriously. We look at them line by line. So it will be, I think, the bulk of our work at ICANN87. So we're moving into that phase. All right. And now, I'm sorry, any questions on consensus call or public comments before I move on? I don't want to just brush past that because these are important things. Farzi, go ahead.

FARZANEH BADII: Hi. Sorry. So I was just wondering, so when we go through the public comments, how are we going to incorporate things that we declare that we have sorted out within the working group? Are we going to reopen the issue or what are we going to do?

PAUL MCGRADY: Yeah. That's a great question. So I think the short answer is no, unless somebody from the public tells us, "Guys, you really missed this thing right here." Right? And if that happens, and it does, that could cause us to go back and look at something. Otherwise, public comment's meaningless, right? And we don't want meaningless public comment. On the other hand, we don't want public comment to simply just be people rallying the troops to do one more push at relitigation of something that we've already discussed, right? So I wish I could tell you it was a zero or a one, Farzi. It's less computer science and more like painting something on an easel. You know what I mean? So it's more art. So the short answer is, it could happen, and we need to be open-minded when we get back the public comment report because, as smart as we all are, and as cooperatively as we work, it is entirely possible that we missed something.

FARZANEH BADII: Yeah.

PAUL MCGRADY: All right. All right, let's move on to the updated draft initial report. That's us. All right. Leadership, with support from our dear staff, have updated

the draft initial report to reflect the working group's discussions and agreement from the previous meeting, so that stuff is in there. And the revised draft incorporates the changes to the recommendations, implementation guidance, and rationale that were affected by the last call. And frankly, quite a bit of good work on the list. And this was circulated to all of you on Thursday along with today's agenda. So hopefully everybody's had a chance to go through it. We have a list here. We won't go through each one individually. But these are the things that were resolved and discussed and are the changes that are now reflected in the revised agreement. I'll take a beat here and ask if anybody has any questions about anything that is on this list. I know you're not supposed to do this. It's dead airspace on a radio show. But, okay. Seeing no hands, we will keep going. Well, here's a second beat, second slide. All right. Great.

So this takes us to our fifth read of the draft initial report. What you guys will see is that we're down to some details. And so, on the next slide, we'll look at the high-level comments prioritized for today's call. And then we'll continue discussing and reviewing those directly in the draft initial report. So it's entirely possible that we get through all this, because like I said, we are down to details at this point. And I will do what I always do, which is if someone has made a comment, then we will call on the person to discuss what's the problem that they're solving and see if there are concerns about making a change. If we don't get sort of a widespread hooray on making the change, then we'll keep the language the way it is because it's been stable for a while. But if there are no significant objections, we'll move these things along. I think most of these will move quickly, but I always am surprised on what I think is a

non-issue that turns into something. So I'm going in open-minded and cheerful. So let's go ahead and get started. And just with the caveat that I have one screen here. And so this may be a little bit clunky, but I will do my best to be able to go back and forth. All right. My chart disappeared and we have the actual live document. So, Gabe, I think this first one is yours.

GABRIEL ANDREWS: Hi, Paul. Thank you. This is Gabriel Andrews for the record. Just had inserted some text to make clear that the categories of information that were being described here were not the total sum of those that might be considered to be reasonably accessible to the registrar. And having entered that text, that is, "but is not necessarily limited to," Reg had suggested that the word necessarily isn't necessary. It can be just "is not limited to," and I'm fine with that. If you want to strike that to accommodate her suggestion, it would thus read that the information reasonably accessible to the registrar includes, but is not limited to, information, et cetera, et cetera. Over.

PAUL MCGRADY: All right. Any concerns with this change? All right. Seeing no hands, let's mark that one as change accepted. All right. The next one is from Marc Trachtenberg. Marc, can we hear from you?

MARC TRACHTENBERG: Sure. Trying to remember this one. I think this one is the policy should not prescribe a fixed or exhaustive sequence of investigative steps, but

should allow registrars to apply. We just wanted to add a reasonable range of indicators and pattern recognition signals appropriate to the circumstances. So it seems an appropriate qualifier to say a reasonable range of indicators. To be clear, they can't just arbitrarily pick one. Yeah.

PAUL MCGRADY: Yeah. So, the only change here is adding the adjective reasonable to the word range. We'll take a queue on that. Any concerns about adding that? I see from Farzi's comment on this that, at least the initial one, that she thought no, but maybe that got resolved in the additional chat. Farzi, go ahead.

FARZANEH BADII: Yeah, Paul, I'm fine. Let's just add reasonable.

PAUL MCGRADY: All right. Yay. I know. All right. Thanks, Farzi. All right. Great. We will mark that one as accepted. The next one is a question from Ching. Ching, do you want to jump in here and let us know what the problem is you're trying to solve with that question, and give us some thoughts on...

CHING CHIAO: Thanks, Paul. This is Ching from the BC. I think it is the question, we have some discussion on the document, which I'm trying to remember whether we have discussed about it. Yes, Reg, if you would like to jump in. Thanks.

REG LEVY: No. I wanted to know what you meant by it as well, because it seems pretty obvious that since this policy only applies to registrars that it would be their operational realities. And I also don't understand how to define operational realities without saying they are the registrar's realities of operation. I don't know how to define it without using those words. So I'm really confused about your confusion.

CHING CHIAO: Okay. In that case, that's double negatives means it positive, so we kind of know that this is registrar's operational reality. Based on what I read from the chat, yeah, it seems that folks do not have a clue, as Reg just pointed out. Because this PDP is for registrar, so we'd be assuming that this is the operational realities of the registrars that may impact by this PDP. If everybody's okay with the wording right now, I'm actually fine to leave as it is.

PAUL MCGRADY: Okay. Is there anybody that wants to remove it or... Gabriel, go ahead.

GABRIEL ANDREWS: Thank you, Paul. This is Gabriel here. I just don't know what that means, and I sort of was expecting to be just an audience member listening to an explanation of that. But perhaps could a registrar give some examples of what operational realities they expect might come up most frequently? Are we talking about holiday over Christmas? Are we talking

about we're moving offices and expect to be for the next month, so won't be doing any ADCs this month? What are some examples?

PAUL MCGRADY: Thanks, Gabriel. Reg, go ahead.

REG LEVY: Those sound like great examples. Sounds like you've got a real good grasp.

PAUL MCGRADY: Yeah. And I see from the chat hours of operation, holidays come to mind. And again, this is about prompt, and we've been operating in the world of prompt for quite a while because of other ICANN guidance on DNS Abuse, so. All right. And I see a note in the chat that Volker's discussed this extensively on these calls, and I think that's right. System maintenance, another good example. Erum, go ahead. Erum, if you're speaking, you're still on mute.

ERUM WELLING: Can you hear me okay?

PAUL MCGRADY: Oh, now we can hear you. Great.

ERUM WELLING: Sorry about that. Sorry. For some reason, I was clicking unmute, but nothing was happening. So can we scroll up just a little bit, please, so I can see the... Okay, thank you. Right there. Okay. Yeah, I'm wondering if operational realities is just a little bit too much open-ended as to the discretion, and it gives a little bit too much leeway, perhaps, to the parties that need to do the initiation. So I'm wondering if we need to just... It seems like a way out. My operational reality is I do nothing, because I've been told by X not to do anything. So I'm wondering if perhaps it leaves the door open to... Oh, yeah. Reasonable operational realities. That's much better. Yeah, if we could put the word reasonable there, that would give more of a sense of something that it has to be, like was mentioned, a holiday or something like that. It's not somebody's whim to say, "Oh, we're just not going to do this because we don't feel like it."

PAUL MCGRADY: Thank you. I see some thumbs ups in the chat to reasonable. Farzi says everybody likes the word reasonable. I'm thinking, just an example, last January, there was an ice storm that came through and shut Nashville down for five days. Literally, most of us didn't have power, and that would be an operational reality if my registrar was based in Nashville, right, in terms of how promptly I'm getting to these things. So I think we just... I get it. I'm just a little worried about trying to over-engineer the English language too hard here. But we have James, and then Reg, and then Martina. James, go ahead. Save us from ourselves. Go ahead.

JAMES GALVIN: Yeah. Thanks, Paul. Jim Galvin, for the ICANN Board. Just a clarifying question, and I'm watching the stuff happening in the chat, and if folks are okay with reasonable even with this. But Gabe actually said something interesting to me, which was to suggest that, "Oh, it's the holidays, and we're not doing ADC right now." And then Reg, somewhat quickly, I thought anyway, and since she's up next, maybe she can speak to this, said, "Oh, yes. Sounds like you've got exactly what operational realities mean." And I'm struck by that notion that, gee, if I'm on holiday, I don't have to be doing ADCs. And I just want to confirm as a clarifying question here to the group that that's really what we mean versus what you're talking about, Paul, the insurance term of acts of God kind of thing. Suddenly, everything is down and it can't work. So that's a slightly different character of an operational reality. So, thank you.

PAUL MCGRADY: Thanks, Jim. Reg, go ahead. I have an idea, but I want to hear from everybody first. But Reg, go ahead.

REG LEVY: Accepting that every registrar is different, and I have a team of seven people, and Jothan is a team of one, holidays are probably going to affect our respective registrars differently, and that is an operational reality. There are definitely backups that we experience during the year-end holidays. We all have vacation, and that means that we are slower, so prompt may happen less promptly even at a large registrar. That's, again, an operational reality. I'm not saying that we're not going to do it. That's indeed what this does not say at all. This says how

promptly. Sometimes it'll happen within an hour. Sometimes it might take up to a day. I don't know what you guys want from us. It's operational realities. Things happen. And ICANN knows when we're bullshitting them. And they are very experienced in dealing with registrars who, for some reason, seem to have a reality where they never have to do these, or prompt means very slow in every case. But again, there are different registrars, and we're trying very hard not to define a hard, like it has to happen within 36 seconds of the initial suspension rule, and accept that there are different registrar models and everybody's going to deal with this slightly differently, and sometimes prompt may take a little bit more time. Can we scroll up to see just the line above, please? Thank you. Just starting with the heading is fine. So yeah, I don't know, again, how better to explain that operational realities works.

PAUL MCGRADY: All right. Thanks, Reg. All right, Martina, go ahead.

MARTINA BARBERO: Thank you very much, Paul, and thank you, Reg, because I was about to follow up on James' comments on the fact that... Sorry, you don't see me, but now you should. On the fact that I hope that holidays are an operational reality that can be addressed with having backups. We are Europeans, very much fans of holidays, and very much fans of trying to have backups when it comes to important tasks. But as long as we agree that that's what we're not trying to say, "Hey, I'm a very small registrar. I have one person doing DNS Abuse, and they're taking one full month in

August, and nobody does DNS Abuse in that period." But of course, the backup might be slightly slower because X, Y, Z. I think that we're fine. Of course, everybody deserves holidays, so we're not going to contest that at all, but just wanted to clarify that we're on the same page. That it's just to say ICANN is able to see, as you say, when you are trying to circumvent a rule rather than just there's this delay because of reasonable circumstances, right? I think we're on the same page on that.

PAUL MCGRADY: Okay. Thanks, Martina. We have Brian and then Marc, and then we need to draw a line under it because we do have a... Okay, since you kicked us off, Ching, we'll add you to the queue, and then we need to draw a line under it because we do have a lot to get through. And this is language that's been in here for a while, and frankly, everybody, a discussion that we've had quite a bit about different registrar models and things of that nature. So let's see if we can get this one done. Brian, go ahead.

BRIAN CIMBOLIC: Yeah, just a quick plug for reasonable. I think we're actually pretty close. I think that I totally understand and agree and respect what Reg is saying. The operational realities are important, but in the example she used juxtaposing like Tucows versus Jothan's registrar, if Tucows were, for example, to staff their abuse desk in the same way that Jothan does, a big registrar, let's say, only has one person ever looking at it, and if that person went on vacation, then the queue goes unobserved, then that might be an operational reality, but it's not a reasonable one. So just a plug that I think that allowing reasonable operational realities gives

everyone what they need. It allows for that flexibility, but at the same time, protecting from a registrar just saying, "My operational reality is I just never check my abuse queue."

PAUL MCGRADY: Thanks, Brian. Marc, go ahead.

MARC TRACHTENBERG: Yeah, and I agree with Brian's comments and some others, and I also understand what Reg is saying, but she needs to also understand that it can't be completely open-ended. And to Brian's point and to other people's points, it's like if there's a three-week holiday somewhere, that doesn't mean that there's no other obligations. People still have business obligations. Like you have to pay your rent even though there's a holiday. So there has to be some balance on the other side, and reasonable seems to be that word. It's not perfect the other way either of preventing against any abuse, but reasonable is kind of a balance here. So that seems to be where everyone is landing, and hopefully, we have the consensus here, which it seems like we generally do, except for Reg.

PAUL MCGRADY: Thanks, Marc. Ching, go ahead. And Reg, we will add you to the queue because you were called out specifically. Ching?

CHING CHIAO: Thank you, Paul. This is Ching from the BC. So, also I like to support the use of reasonable, adding the word reasonable. I was also trying to dig out from my memory lane that I was trying to understand if these operational realities, plural, include ICANN. So I think we got a clarification here orally that this is for registrar only, not including ICANN or ICANN Compliance. So if we can make it clear in the rationale, or if everybody has already agreed that from the read. For example, the reason that I have this question because of the first read of this draft is I thought there will be operational realities from other parties. So I just want to clear that out. Thank you.

PAUL MCGRADY: Thanks, Ching. Reg, go ahead.

REG LEVY: It's not open-ended. This is not saying we're not doing the ADC. It's a matter of how quick prompt is, and as the only person from the registrars who is speaking, I guess I'm just the scapegoat, so hang me, I guess.

PAUL MCGRADY: All right. Well, we don't want to make anybody feel like a scapegoat. And Reg, thank you for speaking up. Okay, I'm going to break my own rule. Erum, go ahead.

ERUM WELLING: Thank you. So I'm just wondering, since if we can add the word reasonable, I would just like to understand what are we pinning somebody to do if we use the word reasonable? We just want it to be there to show the seriousness of initiation. It has nothing to do with pinning somebody against the wall with a certain requirement. That would be requirement. Reasonable just means this is worth paying attention to. Operational realities without the word reasonable is just a little too open-ended. It could be interpreted as, yes, we all want to feel like everybody's diligent, and they're going to take it seriously, but just leaving it as operational reality gives too much leeway to whatever somebody wants to interpret it to be. I didn't do it because I needed to take my dog for a walk and whatever. So what I'm saying is that, and of course, that's a bad example, but anyways, I don't see the harm in adding the word reasonable. If somebody can help me understand what is the harm. Otherwise, let's throw it in there, because it just says it has to be just a reasonable reason. When you're doing work, and you deviate from your normal procedures that you're working on that day, it has to be for a reasonable reason. You just can't decide to just go off and do something else. So what I'm saying is I think the reasonable is a good word to use here, and I would like to understand why we're trying to resist putting the word reasonable here. What is it that we're doing wrong by adding the word reasonable? Thank you.

PAUL MCGRADY: Thanks, Erum. So I guess my take on this, and this may get me in trouble with those who spoke up, but my take on this is that this has been language that's been here for a while. Long while. We already make reference to the word reasonable in the rationale. It specifically says, for

purposes of this PDP, and as noted in the ICANN advisory, promptly means within a reasonable time under the circumstances and without unreasonable delay. This is preliminary implementation guidance that will go to an IRT that ultimately ICANN Compliance will be involved in. It is hard for me to imagine that at that time, ICANN Compliance will adopt an implementation process that allows registrars to define operational realities in a way that defines the reasonableness component in the ICANN advisory on this. I hear the people who want to include the last-minute change, and I guess I have to understand. I'm trying to figure out what to do here, because we already say reasonably and unreasonably several times all throughout this document. And if we are going to make a change at what is the very last minute, I think it has to be based upon more than just a fear that some bad acting registrar, who by the way, is not participating in this, is somehow going to outwit ICANN Compliance. Ching, go ahead.

CHING CHIAO: Thank you, Paul. Since this is my question. So this is Ching from the BC, so let me help you a little bit on that. So let me try to reemphasize why I asked this question. So once again, I asked the question to clarify whose operational realities, right? So I got understanding now this is for the registrar. This does not include ICANN's or ICANN Compliance or other third parties' operational reality. So this is where I coming from. I was trying to get a clarification of, once again, whose operational reality. Sorry, I'm not asking for adding the language or change the language. Thanks.

PAUL MCGRADY: Okay. Thanks, Ching. We do have others who are asking for a language change here, though. They're asking for the word reasonable to be put in front of operational realities. Okay. Feo, your hand's up. I was just about to pronounce, but maybe you can tell me something that will help me out here. Go ahead.

FEODORA HAMZA: No, I had nothing additional. Sorry, this is Feodora from ICANN Org. I just wanted to understand what the outcome would be, so I wait for your announcement. Then I might have a follow-up question, but thank you, Paul.

PAUL MCGRADY: Yeah, thank you. So the pronouncement is that it will remain the way that it is, but we will ask a specific question in public comment about whether or not the word reasonable should go there, and so we will ask the community. But we got to move on, guys. Feo, go ahead.

FEODORA HAMZA: Would it make sense to add some in the rationale to explain what is meant here? Because that was a discussion of the working group, to help with the understanding, as also requested by the original commenter.

PAUL MCGRADY: So Feo, maybe as we go through the public comments, if we get comments from the public saying that we have really dropped the ball

by not putting the word reasonable in front of this, then it might be time to rework the preliminary rationale. We say reasonable and unreasonable and reasonable, reasonable all kinds of times through the rationale already, and this was the subject of extensive conversation about the different business models that exist out there in the real world. From my point of view, it just feels like a last-minute push to relitigate the issue that we have talked about extensively. And we have one other issue that people are pushing to relitigate, at least what I can see from the email string, and I just don't think this is the time to be doing that kind of stuff. So let's make a note of it, put it out in public comment, and see if overwhelmingly the community thinks we beefed it by not putting in the word reasonably, and we'll take another look at it. All right. Let's move back on to our chart. Yeah. We'll mark that one on the chart as, well, we have to update what it is because we didn't really have language change from change. It's a question that we can put in there on 353. Some in the working group want to put the word reasonably, and the solution is move to public comment. 247. Marc, go ahead and introduce this one.

MARC TRACHTENBERG: I'm looking back now trying to recall what it is. I just thought that this language seemed duplicative in this paragraph, but I guess we can leave it or disregard the comment at this point. Want to save time.

PAUL MCGRADY: All right, great. We'll take the win. Back to the chart. All right. Farzi, you're up. 317 to 318 and 293.

FARZANEH BADII: Reg has a comment, Paul.

PAUL MCGRADY: Oh, Reg, go ahead. Reg's hands down. Yay.

REG LEVY: Yeah, I wasn't sure if you accepted it or rejected his comment.

PAUL MCGRADY: The comment is rejected.

REG LEVY: He was right. That it was duplicative. We should accept it.

PAUL MCGRADY: Okay. Well, Farzi, you're not up. We're going to go back to it.

FEODORA HAMZA: Sorry.

PAUL MCGRADY: Okay. So Marc withdrew it, but Reg says we shouldn't have withdrawn it. Any objections to striking this language through? All right. Seeing no hands. Great. We're keeping the strikethrough. Thanks, Reg. All right. Now, Farzi, this time you're really up. Introduce the... Yeah, tell us what's

going on, what problem you're trying to solve, and let's see what we want to do here.

FARZANEH BADII: Okay. So, Paul, this is more of a broader conversation that I want to have on this call before the consensus call, and they are very interrelated. So I hope that I don't go talk about unrelated things. So basically, first of all, we came up with the idea to make the language about compromised domains a little bit stronger, and that was also because every time we asked for better safeguards to not sweep in the innocent registrants or legitimate domain names in these ADCs, we were told that compromised domain is out of scope. And so we want to make sure that, that safeguard is in place with a relatively okay language, which we are discussing on the mailing list. But then also when we come to safeguards here in high-level safeguards that can operate across different jurisdictions, business model. So I think that we can say that these safeguards are consistent with internationally recognized data protection and privacy principles. And also, we want to see if we can add Brian's language that was in the safeguard, and it was not added before, which is process more personal data than is reasonably necessary to perform the ADC; otherwise act in a manner that disproportionately impacts the fundamental privacy rights of individuals. And that's about it. So we just want to make sure that there are relatively better safeguards in recommendation, what is it, five? So if we can add this language in Recommendation 5, consistent with internationally recognized data protection and privacy principles, that would be great for us.

PAUL MCGRADY: Right. Feo, go ahead, and then I, well, Feo, go ahead.

FEODORA HAMZA: Thank you, Paul. This is Feodora from ICANN Org. So just to give a bit of an overview in terms of process, we've covered, I think now three or four comments made from Farzi in one recommendation. So just for the working group to be aware of. So there is one in line 292, which you can see right now. Then when we scroll further down, the text in blue, the two last bullet points, this was also suggested language to be added, for background context. This was taken from previous language that, I think, Brian provided two meetings ago. And initially it was rejected by the working group, because it was changed from must to should. However, it seems to be important to add this again. So just for the working group to note this, where this is coming from. And then there are two more comments in line 320 and 321 that relate also probably to what Farzi just said. So maybe we are doing all in one since they seem to be related, but I just wanted to give a bit of an overview how this is all connected to not lose the thread. Hope this helps. And back to you, Paul.

PAUL MCGRADY: Thanks, Feo. And maybe you can give us a little bit more of a history lesson on, you said they were process more personal data than and otherwise act in a manner that. Those two bullet points were rejected because of a change from must to should.

FEODORA HAMZA: Sorry, Paul. Yes. Yes, that was the history. Correct.

PAUL MCGRADY: Okay. All right. So Farzi, your hand's up again. Go ahead and then try to make it a bit brief, and then we'll open a queue on your proposed changes. And we'll go from there. Farzi, go ahead.

FARZANEH BADII: Yeah, I just wanted to give a history of our impression. So basically, first of all, we believe that this should be actually in the recommendation and not in the implementation guidance. But if that is not possible, when Brian made this "registrars must apply" to change it to should, this kind of even waters down the safeguards more than having the must language. But his argument is in the document, and his hand is up, so he can make that argument if he wants. But he also added a few bullet points that we can save registrars from must to should, but he added a few bullet points that were not added by the group later on. So those bullet points were the potential impact on domain Registered Name Holder. Sorry. It was the process more personal data than is reasonable and necessary and otherwise act in a manner that disproportionately impacts blah, blah, blah. So yeah. That's about it, but I let Brian say his piece.

PAUL MCGRADY: Thanks, Farzi. Brian, go ahead.

BRIAN CIMBOLIC: Yeah. Thanks, Paul. So the sort of procedural history is I proposed two changes. One was changing must to should, or an alternative was kind of reframing it to create a safeguard. And that was around how, rather than what a registrar should or should not do or must or must not do, changing it so that in enforcing the policy, ICANN couldn't require that a registrar do more than the generally accepted privacy principles adhere to. And so it was more, I think that those are important things to think about, instead of what a registrar should or should not do, in how ICANN enforces the policy. So ICANN can't require that a registrar do more than privacy laws would allow for, that generally agreed upon privacy principles would allow for. So I think I'm not particularly advocating one way or another. That's just the history, and I think that ultimately we pivoted from that restructuring as far as looking at how ICANN enforces the policy and went with the should instead of the must.

PAUL MCGRADY: Thanks, Brian. Yes. And I don't want to relitigate should and must. I think we had a really big talk on should and must, and so that needs to remain stable. And I do know that we've seen these concepts before, but let's run a queue on Farzi's collective changes. And we'll just raise our hands and say, anybody want to support the changes? Because the document's pretty stable, but if we have support, we have support. Reg, go ahead.

REG LEVY: The registrars express support for Farzaneh's changes.

PAUL MCGRADY: Thank you. Any other supporters? And let's get some anybody against. Anybody against or support, I guess. Yao.

YAO SOSSOU: No, I'm sorry. I support.

PAUL MCGRADY: Support. Gabriel.

GABRIEL ANDREWS: Yes, Paul. May I ask that we go up to the first one that was highlighted and just maybe just go one at a time? Because I can't see them all at the same time, and it makes it hard to just like... So maybe we could just kind of go, there were three, right? Go one, two, then three separately.

PAUL MCGRADY: Yes. So I don't know if we want to... So you want to have expressive support or non-support for each one individually? Is that what you're asking?

GABRIEL ANDREWS: Yeah, I just can't keep it all straight in my head without seeing it on screen. Maybe that's my failing.

PAUL MCGRADY: Yeah. Okay. I think these may all be captured independently in that chart. Maybe that's the way to do it. Right. So they're all here. 317, 318, 293, 314 to 316. So first change, line 293, "Consistent with internationally recognized data protection and privacy principles." Feo, I'm going to have you jump the queue. Go ahead.

FEODORA HAMZA: Thank you, Paul. Sorry, just to help with the voting, maybe we go back to the document and just make it smaller in terms of size, and double-click on the spaces between the pages, and that might help with the overview. And then we have the first comment in 292 to object or support, and then the two last bullet points, and then there were some questions in the rationale. Not rationale, in 320 and 321. So just hope this helps. Back to you.

PAUL MCGRADY: Okay. All right. We'll do it that way. I like the chart, but it's okay. Back to the document. So adding in, "Consistent with internationally recognized data protection and privacy principles." Let's say we'll have a support, non-support on this. Erum?

ERUM WELLING: Okay. Thank you. So I would like for that to be not supporting it. And let me explain why, okay? The thought is that ICANN's contractual requirements would already take into consideration these principles, right? So to say that explicitly here is in some ways saying, "It's great that ICANN has these contractual requirements," but if you feel that it

is... It just seems too open-ended to say internationally recognized data protection and privacy principles. So the reader of this document is going to say, "Well, what are these internationally recognized data protection and privacy principles?" Right? For example, on the RSSAC side, when we did, not a PDP, but we went through an exercise in coming up with some metrics, and we referenced this concept of principles, these international principles or so forth. We actually defined what principles we were talking about. Okay, so I think to a non-lawyer, this could add a layer of confusion. Okay? I'm sure all lawyers are completely comfortable with this language, but to non-lawyers, I'm computer science background, and to me, this is bothersome, I guess because we're very hardcore. What is meant by internationally recognized data protection and privacy principles? If there's ICANN contractual requirements, those should have already have taken into account those principles. So why do we need to add this extra clause? That's this one, and I have comments about the other ones too, but I guess I'll wait till we get to those. Thank you.

PAUL MCGRADY: Yeah. But we're going to do it Gabriel's way and go through it line by line. Reg, go ahead.

REG LEVY: So my understanding of the NCSG's concerns is that registrants' rights are not taken into account all that much in this policy, and so I don't see the harm in throwing this in there. Yes, it is probably the case that we are already bound to internationally recognized data protection and

privacy principles under our ICANN contracts, but I don't see the harm in calling that out explicitly. Also, I want to note that this support is only in service of the change to line 292 that is suggested by the NCSG, and not to the change in line 292 that is suggested by the IPC.

PAUL MCGRADY: Thanks, Reg. Brian, go ahead.

BRIAN CIMBOLIC: Yeah. So I think that this, I agree obviously with the notion, but I do think that for me to really support it, it would need to be taken, dropped down into a new category, and it's again, I think that it's important that these principles are held to how ICANN enforces the policy rather than what a registrar should or shouldn't do. So I think that we could say, and I put language in the chat, that you could just drop it down and say that enforcing this policy, ICANN Compliance cannot require a registrar to blank, and then just take Farzi's bullets, rather than saying that what a registrar should or should not do. I also think that that gets to direct enforceability, and I think it makes it a stronger policy result. On the actual privacy principles, I'm just pointing out the OECD privacy principles, formally adopted by 38 countries and influenced over 100 national pieces of privacy legislation. So there are some generally accepted privacy principles out there.

PAUL MCGRADY: Okay. So, the problem with busting this up line by line is that it's sort of unitary. So Gabriel, you'll have to forgive me because Brian, I think, has

suggested a way forward that would require sort of a new paragraph where it would say something like, "In enforcing this policy, ICANN cannot require a registrar to act inconsistently with internationally recognized data protection and privacy principles; process more data than is reasonably necessary to perform the ADC; or otherwise act in a manner that disproportionately impacts the fundamental privacy rights of individuals." And that would be its own standalone paragraph, which I think would address Farzi's concerns, and also would address Erum's concerns because Erum's concerns were that we already have language in the contracts about how registrars need to act, but I don't know that we have language in that contract. I don't know. We have lots of language in there about how ICANN Compliance should act, right? And so it's a different concept than the redundancy concern that Erum was raising. Let's see how much trouble I'm in. Martina, go ahead.

MARTINA BARBERO: Thank you very much, Paul, and no trouble whatsoever. I think Brian's suggestion and the way you rephrased it would work fine for us, for the GAC. Nonetheless, just let me clarify that here we are very much agreeing to reinforce this part on safeguards. We understand the discussion, but we're not reopening the discussion on the trigger and adding more language to that recommendation. So for us, this is like the compromise is we're strengthening here the preliminary Recommendation 5. But I think we would not like to change Recommendation 1 alongside what was discussed.

PAUL MCGRADY: Thanks, Martina. Yep. Farzi, go ahead. Does that do it?

FARZANEH BADII: I have to talk to NCSG about this. And we will have a chat quickly. But I wanted to say that the actual person who reopened this is Brian, who changed must to should. And so we are not reopening. So this is about safeguards for the domain name registrant as well as making sure that the ADC is being done properly. And it is important if you are obligating the registrar to do something, to do an action, an investigation that could hamper, that could potentially risk people, like private data or their speech issues that we have made examples of so many times on the mailing list. It is important to provide them with safeguards and make sure that the registrar does not violate the privacy, even in the absence of data protection. We are making global policies. Anyway, this is the problem that I have with Brian's change, but at the end of the day, I have to talk to NCSG, and I think we will take what we can. But this is also related to, again, compromised domains language that we are going to discuss at some point, Paul.

PAUL MCGRADY: Yep. Okay. So here's what I suggest with this one, and we do need to keep moving because we have gobs of comments to get through. I suggest that staff capture my new paragraph, where we take the last two bullet points and the consistent with internationally recognized language, which has to do with what ICANN Compliance can do rather than what registrars have to do. And let's see what it looks like in next week's call. If we can get agreement around that approach for this

language, great. If we can't, then it may be an item that we add to public comment as one that the working group really basically saying there was last-minute language that was proposed, and we couldn't wrap our arms around it in the time we had, but we'll hear from the public on it. All right. Let's move on. Eunice.

EUNICE ALEJANDRA PÉREZ COELLO: Yes, I'm here. Can you hear me well? Hello?

PAUL MCGRADY: Yeah, we can hear you. What's the problem you're trying to solve, and how does this do it?

EUNICE ALEJANDRA PÉREZ COELLO: In the last session, they commented this, my comment, they moved to Recommendation 8, and I'm fine with that.

PAUL MCGRADY: Okay. Got it. So just so that I understand, we are going to leave that language unchanged here, right?

EUNICE ALEJANDRA PÉREZ COELLO: There is... Oh. Yes, it's correct.

PAUL MCGRADY: Okay. Terrific. All right. We'll mark that one as done. All right. Looks like we've got a... Farzi, you're back up for 405 to 409. Feo, go ahead.

FEODORA HAMZA: Thank you, Paul. So the comment was made earlier in the title of the recommendation, and we took the proposed text and put it in rationale. So the question would be if it can stay there or if more is needed. So just to add that.

PAUL MCGRADY: Got you. Farzi, go ahead.

FARZANEH BADII: Yeah, I didn't want to just put it in the body of the text to confuse everybody, but basically, this is about the effectiveness, right? After two years, the review should assess whether the policy is achieving its intended purpose and what, if anything, could be improved. So the policy's intended purpose, establish a consistent minimum baseline for a registrar for conducting ADC, ensure that compliance, blah, contribute to timely identification. Okay, so time and time again, we have been saying that effectiveness of our policies at ICANN should not be just based on numbers, should not be based on how many ADCs did you do and stuff like that. It should go beyond that. It should be about, okay, so were there false positives? Were there some other qualitative things? And we just wanted to make sure that, and we are not even putting it in the recommendation. We are putting it in the... It's not in the recommendation as such. So we want to just say that... Feodora, can we go to my language? The review should not treat the number of domains identified, suspended, or otherwise mitigated as sufficient evidence of effectiveness of the policy. So this just goes in line with what we have

been arguing, that just saying that, "Oh, yeah, we've done this many ADC," and be proud of the number is not effective policy. If your policy has caused false positives, if the policy that we are making has had effects that we could not predict now, that should be considered as well. We can do something else. We can also say in the rationale or in the implementation guidance that qualitative indicators can be considered as well.

PAUL MCGRADY: Thanks, Farzi. Let's hear from folks about this change. And as some folks know, I think the comments in the chat are that it is specific. Let's do this. Hands up for support or non-support. Farzi, your hand's still up, but I think that's from prior. Okay. Okay. Erum?

ERUM WELLING: Thank you. So I don't agree with this. It's too subjective. It's too intrusive into the processes of the parties that were doing the ADC determination. How effective were you? You totally blew it. The investigations you did were not accurate. So I'm just playing this out. The investigations you did were not accurate. The extent to which harm was avoided, I don't even understand how you would do that. It's like solving a problem and then wondering, "Okay, if I didn't solve this problem, what harm would have occurred?" So it's too subjective. It's going to be too varied based on the reporting. The first one which talks about the number of domains identified, suspended, otherwise mitigated. So I agree, maybe there are some other... Because she does say review should not treat, let's see, as sufficient. Okay, so this word sufficient.

Okay. So I agree that perhaps there may be other criteria that could be identified, metrics that are reported. However, the things that are listed here, I think may not be appropriate because they're too subjective. There's not going to be an even comparison and trend analysis. A lot of this is about trend analysis over time. How do you do trend analysis with this? How do you do a trend analysis with the extent to which the harm was avoided? I don't know how you do that. It's going to be too subjective. The other criteria that's already being included, the number of domains identified, suspended, et cetera, you can do trend analysis on that. So I'm just trying to understand how you could take something that's subjective and use that as a reporting, especially when it even comes down to the accuracy of ADC determinations. That's on the processes that are used. And that's internal and customized to the particular registrar that's performing the task. So that's my comments for now. Thank you.

PAUL MCGRADY: Thanks, Erum. And I'll just say, I think that the first sentence is somewhat redundant because we say above. So we've already said you should avoid relying solely on aggregate abuse volume statistics. And we say practical effectiveness. So, again, I think that new language is just trying to explain what that means. But it's new language, and we're very late in the process, so we should keep that in mind. Reg, go ahead.

REG LEVY: Thanks. So we're fine with the duplication of just the number of domains suspended isn't necessarily indicative of anything really. So it

shouldn't be the primary statistic, but as you said, that was said above. Registrars are fine with this. I'm not seeing where the subjectivity comes in from Erum's concerns. But yeah, registrars are broadly fine with this.

PAUL MCGRADY: All right. Thanks, Reg. Marc, go ahead.

MARC TRACHTENBERG: Didn't Carlos in the chat say that this is too specific? Which I also agree with. I think the first part is too specific. I think it may be true that the number of domains identified is not sufficient evidence, but let the people reviewing it make that determination later when they have more information. And then for the second part, I just don't see how you can assess later the accuracy of the ADC determinations for the proportionality of resulting actions when we're not going to have any specific records of which domain names were included in the ADC or which ones were looked at. So I don't see how they could even do that now, but again, this is too specific, and I think it should be removed.

PAUL MCGRADY: Thanks, Marc. So we have a couple of noes. A yes. All right. Well, absent overwhelming yeses, since it's new language, we will just mark it as not accepted. And we need to move on, because if we're going to make changes, we need lots of folks lining up behind it at this point. All right. Next item. Farzi, this is one of yours.

FARZANEH BADII: It's fine, Paul. I'm just saying that the DNS Abuse Reporter can be anybody, and we shouldn't really make examples. We should just say DNS Abuse Reporter. That's all.

PAUL MCGRADY: Thanks, Farzi. Reg, go ahead.

REG LEVY: Strong support. Somebody started saying, "Oh, it could be law enforcement, it could be cyber, it could be..." And then someone else said, "Oh, it could be victims too." Yeah, it can be anyone. It's just a reporter, full stop. The report from a reporter, doesn't matter who it is.

PAUL MCGRADY: Okay. So we have support for this one. We got support, Carlos, Dennis. All right. Eberhard supports this. Support, support, support. Okay, great. This change will be kept. We will strike e.g. All right. Next up, Marc Trachtenberg. Reg, your comments in the chat made me laugh. Thank you for bringing levity.

MARC TRACHTENBERG: Can you go back to the chart so I can see what this...

PAUL MCGRADY: Yeah. "Add the following sentence to rationale: The working group also considered that compromised domains are outside the scope of the PDP."

MARC TRACHTENBERG: 180. And if we can, remember what the purpose of this was. It's been so long.

PAUL MCGRADY: Okay. We've got a hand up from Reg. Is it okay if I go to her?

MARC TRACHTENBERG: Sure.

PAUL MCGRADY: All right, Reg, go ahead. What do you think about this?

REG LEVY: Yeah. So I'm fine with it. I'm concerned about the use of the word considered, because considered can mean either we talked about it or we have determined that. And so we should just be clear which we mean there. Since it's in the charter that we're not talking about compromised, I think we should say agreed that or confirmed that, as opposed to just the word considered. I'm good with removing this entirely, again, because compromised domains are outside of scope from the charter perspective, but I'm fine with this except for the word considered. It just needs to be more specific.

PAUL MCGRADY: Okay. Thanks. How about this? For the sake of speed, since this is already other places...

MARC TRACHTENBERG: How about I just withdraw it? I withdraw it entirely. I don't know what its purpose was, yeah.

PAUL MCGRADY: How about you just withdraw it, Marc? Okay, great.

MARC TRACHTENBERG: Maybe this withdrawal will actually work and won't be countermanded.

PAUL MCGRADY: Okay. All right. Marc withdraws. Next one, Gabe, line 196.

GABRIEL ANDREWS: Yes, sir. If we could go and flip to the document. Thank you. I think this one will be a quick and easy one, because I think the word sole is erroneously inserted there. The line, I'm just going to read it out loud for those that can't read this very well, but it says, "The working group concluded that an ADC is part of a proactive mitigation action to identify whether one or more associated domains have been registered for the sole purpose of conducting DNS Abuse." I don't think that we ever agreed that a domain has to be registered solely for DNS Abuse in order for it to be a malicious registration. It just has to be registered for the purpose of abuse. And my concern is that if you include the word sole

there, then you're inserting a loophole that we don't intend to insert. An example of such is I have seen criminal actors register domains and name nameservers in expression of their, in the US, First Amendment rights to insult law enforcement. If you have a bad actor who is also registering a domain to insult an agency they don't like or a company they don't like, does that suddenly mean that the ADC doesn't apply? I don't think we intend that. So I think that we care that it's a malicious registration. That is to say that it was registered for the purpose of abuse, but not to include the word sole. Over.

PAUL MCGRADY: Thanks, Gabe. I'm seeing lots of support in the chat for deleting sole, and I actually thought we had talked about this. Maybe we didn't. And maybe we just didn't capture the edit. Sorry about that. Farzi, go ahead.

FARZANEH BADII: Paul, ADC is an ICANN policy, and it only applies to DNS Abuse that is specified in the contract. So I didn't have a problem with getting rid of sole, but when I heard Gabriel's interpretation on why he did it, I... So I don't want to comment that it's okay to get rid of sole, but let's have our expectations clear. Yeah, that's it. But I agree with getting rid of sole, but I don't agree that the ADC should be done on non-DNS Abuse, as in technical terms that we use at ICANN. Thank you.

PAUL MCGRADY: Thanks, Farzi. Martina, go ahead.

MARTINA BARBERO: I think Farzi, maybe because Gabe was quite quick in giving his example, but what I understand from his example is that if I register the domain name that is called, pardon my English, "Fuck the European Commission," and I use it to mock the European Commission and distribute malware, it's not for the sole purpose of DNS Abuse, but also to mock the European Commission, and I guess that falls under DNS Abuse at ICANN level because it distributes malware, right? I don't know, Gabe. I don't want to speak for you, but I guess that was your kind of example.

PAUL MCGRADY: Thanks, Martina. We'll have Gabe go next, and then we'll go back to Farzi, just because Gabe was called out. Go ahead.

GABRIEL ANDREWS: Yes, sir. Thank you. It's Gabriel again, and I know Rod actually came up with a great real example, that there were Russian hackers at one point that were trolling Brian Krebs when they registered malware domains, right? The key thing is that they were registering domains for malware, not that they were also trolling a security researcher. So the point I'm trying to make is it should not be a loophole that you don't have to have an ADC the moment that a criminal decides to do the abusive thing and one other thing, right? They could insert a photo of a cat, and maybe they want to do malware dissemination and show off their pretty kitty, and all of a sudden, because they're doing one extra thing that the ADC doesn't apply, I do not think that's what we intend. What we care about is that they're doing the abusive thing. Yes, no?

PAUL MCGRADY: Thanks, Gabe. Farzi, go ahead.

FARZANEH BADII: Okay, so this gives me flashbacks of when we were saying that in the beginning of this PDP, that we were saying that the investigative threshold should be done not to sweep up innocent domain names. And you told us, "Bring us examples," and we did. These were exactly the cases that we were talking about, that when you say that do an ADC, these domain name registrants might not be just registering domains that are malicious. They might be also registering domains that are non-malicious and for providing essential services or something like that. But that point was not ever taken, and we decided not to go through defining a threshold or even talking about the ADC spec. And now I'm hearing that, oh, actually, those cases can happen, and we want ADC to be done on those as well. And at the same time, we are not going to have strong safeguards for those innocent domain names not to be swept up in the ADC. I don't want to reopen this, but I just want to show you where we are going. Thank you.

PAUL MCGRADY: Thanks, Farzi. Jothan, and then Marc.

JOTHAN FRAKES: Yeah, I was not really leaning in so much on the word solely, so much as the word registered. I could see, although this is a fraction, probably a very small fraction of it, I would probably suggest the word is acquired

rather than registered because I have seen where a domain is purchased in the secondary market or is otherwise acquired when it's not an actual registration. It's actually the use. So acquired might be, if that is comfortable to people, would stretch to fit so that we didn't have a loophole that just applied to new registrations. Thank you.

PAUL MCGRADY: Thanks, Jothan. Yeah, I'm thinking about that, but when you acquire a new domain name, you add on another year. And so from my point of view, I think it's captured without having to go back and re-look at the word registered. But I guess if others would like to support that, let's hear from them. Keeping in mind that we're quickly running out of time. Marc, go ahead.

MARC TRACHTENBERG: Yeah. I'm just not sure I understand Farzi's point. To the extent that a domain is registered and it's used for malicious purposes and not compromised, then it falls within the policy. And I think to Gabe, and Martina, and other people's points, there's an increasing situation where bad actors try to hide their malicious use of domain names. And so, for example, in the travel services industry, here's a specific example. Where there's billions of dollars in travel fraud and phishing, what they do is they create a website for an online travel agency. They use a third-party booking engine, which they put on the main page of the website and a lot of other pages. So you can actually legitimately book flights through their website, but then they also create other URLs that target specific airlines, where they direct people to those URLs on a

domain name to defraud them. So in that situation, if you say solely for the purpose of conducting DNS Abuse, that's a loophole where those bad actors now escape because arguably the domain name was not created solely for the purpose of DNS Abuse, even though clearly it is being used for DNS Abuse. And there's a million of other examples like that where, again, these bad actors increasingly try to hide what they're doing, so that when a domain name is picked up in a scan through brand monitoring and people look at it, it looks legitimate. But it's not, because the abuse is hidden on subdomains or URLs. And so adding sole there, sole purpose, creates this loophole that allows those increasing number of bad actors to escape.

PAUL MCGRADY: All right. Gabe, go ahead, and then we need to draw a line under it.

GABRIEL ANDREWS: Yes, sir. Just very quickly. I think the only person I'm hearing disagreeing with this is Farzi, and I think it comes down to a fundamental misunderstanding of what's being said. And I just want to clarify, we're talking about domains that are being used for abuse, not innocent domains. And I think that that's something that she has misunderstood in her comments, both verbally spoken and in the chat box, and I just want to make that clear. So perhaps if that can be made clear there, the fundamental concern that I'm hearing her articulate no longer applies. Over.

PAUL MCGRADY: Thanks, Gabe. All right. We have a significant split on this. We don't seem to have overwhelming support for deletion of sole. I see the benefits of doing that, because I do think it's a significant problem if somebody can register something that they intend to use for DNS Abuse and then put up family pictures on a website someplace else, which is not DNS Abuse. So, we have a problem here. Gabe, is your hand back up?

GABRIEL ANDREWS: Yes, sir. Just one point then reacting to you, sir, but I'll wait for you to finish your thought.

PAUL MCGRADY: Okay. So to be clear on something like this, because there are voices speaking, but I don't have a sense of where this is actually landing. So I'm going to do a quick roll call on it, and if I miss anybody, maybe staff can give me the quick roll call in the chat to make sure I don't miss somebody. Delete or keep sole. GAC.

MARTINA BARBERO: Of course, delete.

PAUL MCGRADY: Delete. Okay. Delete or keep, NCSG.

BRUNA SANTOS: Oh, I think you're going to have to call all three groups from NCSG, right?

PAUL MCGRADY: All right. Let's hear from all three groups of NCSG.

BRUNA SANTOS: For NCUC, we're not in favor of the change.

PAUL MCGRADY: Okay. Group two in NCSG.

FARZANEH BADII: Not in favor.

PAUL MCGRADY: NPOC says delete. Okay, so within the NCSG, there's not agreement. NPOC says delete. And the third part of NCSG.

FARZANEH BADII: Sorry, I got confused. After understanding what Gabriel's expectations are, NCSG does not agree with deleting sole purpose. Thank you.

PAUL MCGRADY: Okay, so we're there. But Bruna said we had to hear from all three parts of NCSG. I think we've heard from two. What's the third part?

FARZANEH BADII: No, we heard from Bruna, which is NCUC. NPOC, Yao says that they want to delete sole, so they don't agree with the other groups. And I am NCSG.

PAUL MCGRADY: Okay. So, got it. All right. Registrars.

REG LEVY: We're okay with deleting it.

PAUL MCGRADY: Delete. Registries.

BRIAN CIMBOLIC: We support deleting it, Paul. Thanks.

PAUL MCGRADY: All right. IPC.

LUKE WOOD: All right. Say delete.

PAUL MCGRADY: ISPCP.

NITIN WALIA: We support delete.

PAUL MCGRADY: Okay. ccNSO.

EBERHARD LISSE: We don't vote on these things. I personally am in favor of delete, but it mustn't hang on my or our decision.

PAUL MCGRADY: Okay. So we don't have any personal representatives here, just representatives for groups, so we'll put down the ccNSO as not participating. Abstaining. Yeah. ALAC.

EUNICE ALEJANDRA PÉREZ COELLO: Yes, I support the delete.

PAUL MCGRADY: SSAC.

ROD RASMUSSEN: I already put it in the chat, but I'm talking to our group here, delete.

PAUL MCGRADY: Okay, and RSSAC is our last.

ERUM WELLING: Delete, please. Thank you.

PAUL MCGRADY: Okay. So we have everybody but the NCSG for delete, and within the NCSG, we have a disagreement with subgroups. To me, this is sufficient support to delete it. We should, however, note for the public comment that there was not unanimity on this, and we will hear from the public about whether or not they would like to reinsert sole. All right. I see a hand from Bruna. Go ahead.

BRUNA SANTOS: Yeah. Paul, I know you're really trying to do your best, and we're pressed by time restraints and stuff like that, but I just wanted to put it on the record besides the chat that I'm not very content with us voting on this matter exclusively when we have a consensus call next week. I really wish we had moved on with just adding this point the way it is to the public comments so we can revert to it once the results and the comments are back to us. The change in the format feels a bit complicated to grasp. That's the only thing, but I know you're doing your best, and I don't want to be unfair with you. Thanks.

PAUL MCGRADY: Thank you, Bruna. Yeah, I'm just trying to get to clarity, but I do think the issue should survive to go into public comment. Well, I guess all issues survive for public comment, but to call it out specifically in public comment I think is fair. All right. Let us go back to the chart. Where were we? Farzi, line 468.

FARZANEH BADII: Which one is that? Oh yeah. Okay. That one. Yeah. So, we never had an ADC spec. We didn't say what it is. And, in the executive summary, I see that the chart that we have taken, the charter kind of not great definition of ADC, and just like we put it there. So I'm just thinking, and we might even get rid of this glossary, so I'm not going to argue over this. But it would be good to have some kind of a broad spec of what ADC is, and not rely on lines 43 to 45 because that line doesn't include many of the things that we agreed that ADC framework should have. So, that's all. That's what I'm saying. It's not a big deal, but I think that we should maybe change 43 to 45 or mention that this is from the charter. Yeah.

PAUL MCGRADY: Thanks, Farzi. Yeah, what I would suggest with that is if you would like to see a specific textual change that you give us a suggestion to work on, rather than us trying to figure out...

FARZANEH BADII: Yeah. I have. It's in the comment. I didn't want to be intrusive. So the language concerning that, a process for registrar to review on the basis of a DNS Abuse report containing actionable evidence, blah, blah, blah, blah, blah, blah. So that's all we are saying, but if you want to think about it and add that, that would be good.

PAUL MCGRADY: Okay. Well, let's... Okay. Feo, go ahead. And then I'll say something. Go ahead.

FEODORA HAMZA: Thank you, Paul. Just to note, and I think there is a comment that Dennis Tan made in the report as well. In the very early start of this initial report, we have some kind of, well, not necessarily definition, but where we describe the issue. So that was referred as what is meant by associated domain checks. So if we go up, I think line 47, so very beginning, here we go. I think that is what is meant by this group, but if that's not enough, then the group has the other comment to consider. Thanks.

PAUL MCGRADY: Yeah. I guess my concern about the proposed definition is that it is substantially redundant with a lot, and also because it isn't going to be dozens of pages long, also runs the risk of being too reductive. I don't like that word because people use that to, you know, sometimes they use it in a way to discount other people's points of view. My concern is just that if we have a one-paragraph definition, we could later say something and say, "Well, yeah, there was other stuff in the policy, but it wasn't in the definition, and I only have to do what's in the definition." So I have concerns about that. Right. Okay. Let's, absent strong support for a definition here, I think we're going to move on. Farzi declared this one not a big deal.

FARZANEH BADII: Yeah, it's fine, Paul. Sorry, is this a two-hour meeting?

PAUL MCGRADY: It is, because we have a lot to get through, and we've got a lot of comments from people.

FARZANEH BADII: Okay. Well, I have to leave, but thank you.

PAUL MCGRADY: Okay, thanks, Farzi. There's some comment in the chat that we took a snap vote. We didn't take a snap vote. What I was trying to do was to understand, with clarity, where people were falling in on this communication because we did have several voices speaking, and it wasn't clear to me from doing that and trying to read the chat where the group was falling on it. And so for my personal clarity on where we landed, I asked for people to speak up about whether or not they have support or not. Ultimately, those of you that are concerned that you need to go back to your groups, totally agree with that. That's great. And that's what the consensus call is about. So, hopefully, that explains what just happened there. Nobody votes. We only decide whether or not we have consensus, but we certainly have to hear from all the voices, not just from the voices that raise their hands. Okay. Great. But if anybody's concerned that we heard from too many voices, please let me know that, too. Great. Let's move on to the next one. Eunice, go ahead.

EUNICE ALEJANDRA PÉREZ COELLO: Thank you. These two comments that you see there are methodological correction. The summary should distinguish likelihood, severity, safeguards, and residual risk because a low-probability erroneous association may still cause significant harm in an individual case. It should maybe also distinguish the affected groups, registrars and the regulated parties. Legitimate Registered Name Holders may be affected by errors, and an end user may benefit or experience indirect effects. Regarding what Reg said, I can live with the shorter wording if it keeps those distinctions. The final scope sentence is not essential. The methodological distinction and the affected groups are the key points.

PAUL MCGRADY: Thanks, Eunice. Feo?

FEODORA HAMZA: Thank you, Paul. This is Feodora from ICANN Org. Just to give a bit of context for the benefit of the working group, we have incorporated the comments that we received from Eunice in the actual impact assessments document. We shared them last week, and they were also highlighted in green, and they cover also what is seen here. For the initial report, what we've done is just to provide a summary of what the readers can find in each checklist or in each assessment, and we kept it brief. But it's now for the working group to determine if they want to keep the suggested language as provided or stick to what is on screen. But again, just a reminder, in the impact assessment we have incorporated what is possible, just, yeah, for you to note. Back to you, Paul.

PAUL MCGRADY: Thanks, Feo. Eunice, go ahead.

EUNICE ALEJANDRA PÉREZ COELLO: Thank you. I'm not asking to change the overall risk rating. I'm asking the summary to accurately reflect in each area methods and avoiding treated low likelihood as automatically meaning low severity, as I try to say. And if you let me talk a little more, the comment tries to correct this methodology, the probability to occur and affect the gravity, the damage if occurred, the safeguards existing and the residual risk after these safeguards. It's regarding that.

PAUL MCGRADY: Okay. So, Feo, help us out. Reg was kind enough to put the proposed changes into a Google Doc. So were these proposed changes already introduced by staff into the document? Is that what you're saying? Or are these still for us to discuss?

FEODORA HAMZA: Hi. Sorry, Eunice, I thought he called on me. As noted earlier, in the individual impact assessments, we have taken these comments into consideration. So the question is now if the group wants to accept this proposed language, as you see in the comments in the draft initial report. So that's the actual question. But for the impact assessments, we have adjusted what is possible, and it was shared with the group last week and also highlighted accordingly in the individual worksheets. The discussion is now, do you want this text also in the draft initial report in

the section where we just highlighted on a high level what is the summary of each impact assessment, not going into too much detail what all of it does? So this is for the group to determine. But the impact assessments do cover these points. That's all.

PAUL MCGRADY: Okay. So in the actual impact assessment, what Eunice is seeking is already in there. The question is, do we want to bring that language from the impact assessments into the report language itself rather than reference the impact assessment? Is that, Feo, is that what we're being asked to do?

FEODORA HAMZA: Correct.

PAUL MCGRADY: Okay. Eunice, can you make an argument to do that?

EUNICE ALEJANDRA PÉREZ COELLO: Yes. It's not only to this correction, it's only to maintain the end user may benefit or experience indirect effects that is not reflected in this draft.

PAUL MCGRADY: Okay. I'm sorry, Eunice, I'm just trying to see if I can divine what you're asking for, because you've asked us to replace entire paragraphs rather than going in and doing a surgical, right? We're not repairing something.

We're taking it out and putting something back in. I want this to get a full hearing. Let's see here. Anybody have an objection to using Reg's document so that we can see what a surgical approach would've looked like on this paragraph? And if we can do that, then I'll ask staff to click on it and bring it up. All right. I'm just going to give everybody a minute to read it, and then I'm going to ask if anybody has any concerns about these changes. Gabe says, "No objection. Reg's document is helpful."

GABRIEL ANDREWS: Sorry, just to confirm, I was responding to your prior question about whether there was objection to opening this, not to opening the text.

PAUL MCGRADY: Oh, I'm sorry. Oh, got you. Okay. All right, Reg, go ahead.

REG LEVY: My personal perspective is that the HRIA is already defined, and we should go look at that. I just was trying to figure out what actually got changed, so that's why I did this. And also, DNS Abuse, capital A.

PAUL MCGRADY: All right. Any support for these changes? Reg says no, essentially. Staff says this was meant to be high level and refers to the actual impact assessments. All right. Eunice, I'm sorry, but I'm not seeing overwhelming support for the change. All right. Let's move on to the next item.

EUNICE ALEJANDRA PÉREZ COELLO: Okay. The next is, again, me. This, again, is not questions regarding the why. I only asking to explain why the impact is positive, and how do you get this balance. This comment keeps the positive GPI conclusion, but explains the balance. Early abuse disruptions, benefits to end users, operational flexibility remains, and limited risk to legitimate Registered Name Holders are addressed by safeguards. And I think the GPI summary should explain why the outcome is positive, not only state that it is. The wording identifies the benefits, the residual risk, and the safeguards used to manage that risk. So, we can, as I said, show the wording provides and the summary retains end user benefits...

PAUL MCGRADY: Incoming transmission. I'm sorry, everybody. Keep going, Eunice.

EUNICE ALEJANDRA PÉREZ COELLO: Yeah. Only try to say this does not add any obligation or change the assessment. It makes the balancing transparent by showing who benefits, what limited risks remain, and how the safeguards address them.

PAUL MCGRADY: Thanks, Eunice. This is much like the one before, where we are trying to have high-level language referring out to another document. Do we have support for Eunice's change here? Proposed change. Raise your hand. All right. Looks like the general idea is that we'll stick with the

high-level language and refer people out. Sorry, Eunice. All right. Let's keep going. Another one from Marc. Here we go, Marc.

MARC TRACHTENBERG: I think it was already addressed. I think, right? Which one are we on?

PAUL MCGRADY: Yeah, Feo, go ahead.

FEODORA HAMZA: This one was not addressed, the one before, Marc, correct? On the everybody can submit a DNS Abuse report. But on Recommendation 3, you added some additional editorial language, which we can go to, and then the group can either accept or not. So I hand back over to you. So line 255 and 257, if we go there.

MARC TRACHTENBERG: 255. Okay, so the other one was addressed, right?

PAUL MCGRADY: Yes. Anybody can report. Yes.

MARC TRACHTENBERG: Yeah. Okay. Then can you go back to the chart? I'm so sorry. 255. What line is that on now? Okay. I think it was just clarifying language. That said, such association may include but is not limited to the following,

and such association just didn't really seem clear. I'm just trying to clarify the language.

PAUL MCGRADY: When determining whether association exists, the indicators taken into consideration by the registrar may include but are not limited to. All right.

MARC TRACHTENBERG: Right. So it doesn't really change it substantively. It's just like before the sentence starts, like such association may include, like that just didn't really seem grammatically clear.

PAUL MCGRADY: Okay. So this is wordsmithing, not concept changing, and that's good. Reg says fine. Erum says agree. Martina says agree, in the chat. Anybody against this change, raise your hand. Agree from Rod. Agree from Ching. Agree from Nitin. Brian, agree. Okay. Dennis. All right. I don't hear anybody speaking against it. And lots of agrees in the chat, so we will mark that one as accepted, and we'll move on to the next item. Farzi is not here. Feo, go ahead.

FEODORA HAMZA: Thank you, Paul. I think this was discussed earlier in Recommendation 5 in the overall comments that Farzi went through. And we noted to make some additional paragraph for working group consideration, and then

we can take this into consideration based on what is in the comments. So this might not need to discuss right now.

PAUL MCGRADY: Great. Thanks. That's perfect. Yeah, that's for the additional paragraph that dealt with what ICANN Compliance can do rather than what registrars have to do. Next up is Marc. Feo, go ahead. Oh, I'm sorry. Feo's hand went up before you spoke. Feo, is that an old hand?

FEODORA HAMZA: No. Sorry, Marc. I know you were on the phone, so just to help you out, similar to your comment above, you asked to add ICANN in front of where it says contractual requirements. I think that was the instance in two cases in Recommendation 3, so we can go there. But, yeah, we noted it here. So I just wanted to explain the comment. That's all. Back to you.

PAUL MCGRADY: Thanks, Feo. Marc, it's your comment, so go ahead.

MARC TRACHTENBERG: Sure. The purpose here is just to clarify what contractual requirements were being talked about. So it says, "ADC must be conducted in compliance with applicable laws, including data privacy laws," and then was added in consistent with internationally recognized data protection and privacy principles and contractual requirements. And so the purpose of putting in ICANN was to clarify that it has to be done in

compliance with the ICANN contractual requirements, not just any contractual requirements in its own terms of use or registration agreement, because then they could just say in their registration agreement that they're not doing the ADC or put in some other barriers to conducting the ADC.

PAUL MCGRADY: Thanks, Marc. Reg, your hand's up.

REG LEVY: Yeah. It's not just ICANN contractual requirements. We also have to comply with registry contracts and potentially other relevant contracts, not just our own contracts. I think it should be obvious that if we create a contract that tries to contract around this, that wouldn't be acceptable to ICANN. So, I don't think it's reasonable to add ICANN to these because that's not the only contracts that we're subject to.

PAUL MCGRADY: Thanks, Reg. It would create a loophole where, or could create a conflict, I guess, if a registry did something that specifically prohibited ADCs, right? That could happen, I guess. I don't know.

REG LEVY: No, it's not just prohibiting ADCs.

MARC TRACHTENBERG: I guess to Reg's point, how could they do that?

PAUL MCGRADY: Oh, hold up. I got to keep control of the queue. Sorry. Reg, go ahead.

REG LEVY: Yeah. It's not just prohibiting ADCs. It's that we have to do things consistent with our contracts. And so we have data protection agreements with our registries, and we have to comply with those. We may have data protection agreements with other service providers that require that we use data in certain ways or do not use data in certain ways, and we still have to comply with those contracts. So this isn't about the fact that we are or are not doing the ADC, it's how we conduct it, and we have to be consistent with internationally recognized data protection and privacy principles and our contractual requirements.

PAUL MCGRADY: Thanks, Reg. Marc, go ahead.

MARC TRACHTENBERG: So then maybe we can say ICANN or registry contractual requirements. Those would be the two relevant contracts. I mean, this just closes a loophole. Otherwise, this loophole exists.

PAUL MCGRADY: Reg, does that do it?

REG LEVY: I think there are other contracts that we are subject to. We've got DEA providers. There are many contracts that we are subject to, and we have to comply with all of them. This isn't about the ones that we write ourselves.

MARC TRACHTENBERG: But that's not clarified here. I guess that's what I'm seeking to clarify. How can we clarify that?

REG LEVY: Our contractual obligations with ICANN prevent us from creating contracts ourselves that would prohibit us from complying with ICANN policies, which are part of the ICANN contracts. So, I don't know how to clarify it, because those are just the binds that already bind our hands.

PAUL MCGRADY: Yeah. Reg, it would be helpful maybe if you could pull out what's the specific paragraph in the RAA that prohibits creating contracts that are inconsistent with ICANN obligations. Let's take a look at that. Marc, I see your hand's up. I'm not ignoring you. I'd just like to take a look at the relevant paragraph.

MARC TRACHTENBERG: No, my question is similar.

PAUL MCGRADY: Well, okay. While Reg is looking, go ahead, Marc.

MARC TRACHTENBERG: My question is similar. I guess conceptually you could maybe argue that's true, but I don't know where it says that in the RAA, and this is about creating contractual requirements in the registration agreement or other contractual requirements with registrants or customers. That doesn't necessarily completely contradict the RAA or other obligations, but just inhibits them.

PAUL MCGRADY: Gabe, go ahead while we're looking for the paragraph. Gabe, go ahead.

GABRIEL ANDREWS: Yes, sir. This is Gabriel. Just a logical point. Inserting ICANN here does not mean that Reg can't follow her other contracts. It just means that we're not making it a must policy that she'd be obligated to as part of this ICANN policy, right? So I don't think that inserting ICANN endangers her ability to follow those contractual agreements as they may apply, and as she may be able to reasonably articulate to ICANN Compliance were reasonable under the circumstances. Over.

PAUL MCGRADY: Thanks. Let's see if we can grab the text of 3.3.4. Here we go. "3.3.4. Registrar shall abide by any ICANN specification or policy established as a consensus policy according to Section 4 that requires registrars to cooperatively implement a distributed capability that provides query-based WHOIS search functionality across all registrars. If the WHOIS service implemented by registrars does not in a reasonable time

provide reasonably robust, reliable, and convenient access to accurate and up-to-date data, then the registrar shall abide by any ICANN specification or policy established as a consensus policy according to Section 4 requiring registrar, if reasonably determined by ICANN to be necessary considering such possibility as remedial action by specific registrars to supply data from registrar database to facilitate the development of centralized WHOIS database for the purpose of providing cooperative registrar WHOIS policy." Yeah, and that seems to be related almost specifically to WHOIS. 3.3.8, "To comply with applicable statutes and regulations, and for other reasons, ICANN may from time to time adopt policies and specifications establishing limits on the personal data concerning registered domains that registrar may make available to the public through public access service described in this subsection, 3.3, and B, on the manner in which registrar may make such data available. In the event ICANN adopts any such policy, registrar shall abide by it." Reg, I don't see what you're seeing.

But we have six minutes left. I had hoped to get through all these. I don't know that we're going to do that in the time that we have left. So I guess we'll do what we've done before, which is can we hear support for or against adding the word ICANN before contractual requirements to make it clear that the contractual requirements that this policy relates to are those that are ICANN-related, that are actually in the RAA, and the corresponding consensus policies that affect it? Anybody for Marc's change? If we can see hands up or notes in chat. Anybody against? Same thing. Eberhard says, "Add ICANN." Support from Brian. "Leave it as it is," Yao says. "Change it," says Ching. Gabriel supports the change. Supports the change, Nitin. "Leave it as it is," says Reg. All right. "Leave it

the way it is," says Carlos. Okay. "Leave it," says Theo. Okay. All right. We don't have clear and overwhelming agreement to add in ICANN. And Erum says, "Leave it the way it is." So this one is going to be marked as not accepted. All right. What are our last two here? We have Gabriel wants to put innocent in front of Registered Name Holder. Right there. Normally, we would ask Gabe to defend this or to introduce it, but we're running low on time. It seems like to protect Registered Name Holders and registrars, I think protecting the innocent seems good, protecting the guilty seems bad. Gabe, 30 seconds on why you would like to protect the innocent.

GABRIEL ANDREWS: Yeah. Paul, unfortunately, this is going to take a longer time. In the chart, it only tracks this change, but there's probably three changes that I was asking clarification questions on. We're not going to get through it in 30 seconds.

PAUL MCGRADY: Got you. We're not going to get through it. All right. So let's wrap up the call. We have two things left to go through at the beginning of our next call, and then we'll spend the rest of our time talking about how the consensus call works. Consensus calls are different than, as somebody said in the chat, trying to take the temperature of the room. I know that some people may be unhappy with me for having run through the list of those that are represented here. But whether or not we have something as important as solely in here, which could create a loophole where somebody could avoid an ADC check because they also had a picture of

their cat up while running a malware campaign, I thought was a core issue. So I'll take the heat for anybody that was unhappy about that. But that's just for anybody that's unhappy with me after this call. We have two minutes left, so we will go to Feo for staff comments, and then we will quickly hit our next screen about what next steps are. Feo, go ahead.

FEODORA HAMZA: Thank you, Paul. And yeah, congratulations to the group for getting so much done today. We have two comments left, and we will share those with the notes. And as action item, ideally, the working group would take a look at those specifically and note their support in the document or not, so that we can ideally move this then the next time, or even asynchronously. Yes. But staff will update the draft report based on the outcome of today, share as noted with the notes and action items, and then we have a last call before public comment next week on Monday also for 120 minutes. And there we will provide all pending information, procedural information that is needed for the working group to complete the next steps. Hope that helps. Thank you, Paul. Thank you all. Back to you.

PAUL MCGRADY: Terrific. All right. Thank you, everybody. Good call, productive call, and we will see you next week. Thank you very much.

[END OF TRANSCRIPTION]