TERRI AGNEW: The recording has started and this is Terri Agnew. Good morning, good afternoon, and good evening, and welcome to the DNS Abuse Mitigation PDP 1 Working Group Call taking place on Monday, the 9th of November 2026. We do have listed apologies from Reg Levy, Nitin Walia, Ching Chiao, Kathleen Scoggin. Their alternates are Theo Geurts, [inaudible – 00:00:24], Vivek Goyal, and Kathleen Scoggin. Statements of interest must be kept up to date. Does anyone have any updates to share? If so, please raise your hand or speak up now.

Seeing or hearing no one, if you do need assistance, please email the GNSO Secretariat. All documentation and information can be found on the wiki space. Recordings will be posted shortly after the end of the call, and please remember to state your name before speaking for the recording. 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. With this, I'll turn it back over to our Chair, Paul McGrady. Please begin.

PAUL MCGRADY: Thank you, Terri. Sorry, everybody, to be phoning in from home and not have my three screens, so let's see how this goes. So here's what we're going to do today. We're going to do a welcome, that's what we're doing right now. Next, we will walk through our usual Running Man PDP update chart.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

Then, we'll have an update on the changes to the impact assessment by staff. And then we will have the second read of the draft final report. There were only, I think, two or maybe three issues outstanding, so it is my hope that we will be able to wrap those up today and start the consensus call process. If not, we will be reverting to two two-hour meetings a week until we get back on track, but I hope we don't have to do that. And then we will have some time for AOB at the end if anybody wants to raise anything that they would like to raise.

So let's move on to the PDP updates. We are here: update, final report, final read in November. Then we begin the consensus call. Says end of November, but I think it could be middle November if we're done today, which would be great, and that would give Council more time to consider this. We will submit this to Council in December or, I don't know if I can say earlier, but awfully close to the beginning of December or maybe even the end of November. So we are right now, still on track.

So let's move on to the next screen. So, here's where we are specifically: we're in the second read, resolving the few remaining gaps and material concerns. If we need a third read, it will happen this Thursday, I think. The 12th is Thursday? And then if we need a fourth read, that will be on November 16th. Both of those sessions will be two-hour sessions so that we can deal with whatever remains. And then after that, following four days after the final call, we'll have a consensus call period that will run 10 days.

So today, let's focus on updated text, rationale, any potentially overlooked issues. So, this read is about whether the draft final report

accurately reflects the working group's considerations and outcomes. We are going to focus on: do the revised recommendations and implementation guidance reflect the discussions and outcome at ICANN87?

I think we've kind of already done that, because we walked through the entire document on the last call. There were a couple of call-out issues that still need to be wrapped up. Does the rationale explain how public comment was considered and why text changes changed or stayed?

Are comments or evidence missing that could materially affect the outcome? And we will flag enforceability and implementation problems, internal inconsistencies or scope drift, and concerns that could materially affect adoption or policy meaning. So, we've already done a lot of this. We've got this narrowed down to just a couple of things. So, let us move on to the updates on the impact assessments, and John from staff is going to take these.

JOHN EMERY: Thank you so much, Paul. This is John Emery from ICANN Org for the record. So we had sent out the updated impact assessments, and we had highlighted the text that had been updated based on public comment in green. No further comments on this were received at this time from the working group, so we'll go ahead and accept all the proposed changes based on public comment and close the impact assessment to put it with the final report. That's the only update. Back to you, Paul.

PAUL MCGRADY: Thanks, John. All right, and let's move on to the second read of the draft final report. So here are the remaining issues: the issue of compromised domains, proposed update to definitions and related wording for compromised domain names, and we have to decide whether or not we want to adopt proposed changes, keeping in mind that the text that went out to public comment was the subject of a consensus call and the subject of much discussion. So, if we are going to make changes, these really need to be by acclaim. So we'll see how this goes.

Implementation guidance is the next thing for 4.1. The proposed changes there -- there's some footnotes that we talked about last time calling out issues about specific documents, and the reference to affiliated registrars with the addition of registrar family. And so today's decision is confirm whether or not leadership and staff caught the gist and did the update that everybody was expecting, if not, what do we need to tweak?

And then, implementation guidance 7.4, there's the use of the term "free" in the guidance in relationship to data tools or access, and so the working group needs to confirm the preferred wording, for example, keeping, revising, or replacing "free". So that's a one-word thing.

And then there were three minor, non-substantive changes to improve clarity, consistency, and readability. Those are the editorial updates that rolled in from various sources, so we need to confirm that those editorial updates are okay and didn't change anything that somebody feels shouldn't be changed.

So before we go into item number one, I see Michaela has her hand up. So Michaela, can you hop in and tell me what you want to talk to me about with regard to this slide?

MICHAELA SHAPIRO: Yeah, absolutely. Thanks, Paul. Michaela, NCSG. So, the NCSG wanted to put forward a proposal on adding an agenda item here on Recommendation 8. So that's one that, from our view and from speaking with a couple of folks in the group, there wasn't sufficient time allocated to be able to discuss further that topic, and we'd like to see if there's an openness to discuss it further today, ideally to align perhaps somewhere to find a compromise between the language that has been proposed by Compliance and some of the comments that other folks have made related to tightening up that language there. So, just wanted to add that to the agenda if that's possible. Thank you.

PAUL MCGRADY: Thank you. Yeah, we'll see how it goes. This is not something -- was it raised on the list, and do we have specific text, or is this just a call to reopen the concept up?

MICHAELA SHAPIRO: This is a call to reopen the concept. We wanted to understand whether other folks are open to discussing that language, but perhaps I'm happy to defer if Marc has more to add on that as well, if that's okay with you, Paul.

PAUL MCGRADY: Yeah, great. Thank you. Marc, was there proposed text on the list so that people had a chance to consider this, or there's a desire to reopen?

MARC TRACHTENBERG: Well, there was proposed text that was discussed during the fourth session during ICANN87, and I think some of us feel that there wasn't enough time allocated to it and we just kind of moved on when the view taken, I think maybe by staff or leadership, is that there wasn't sufficient support, but we didn't really to fully discuss whether there was support for the concept of clarifying that in some cases new records may need to be created by registrars since this is a new policy, which is something that ICANN stated in their comments and also stated in discussion during the meeting.

So that seems to be, in our view, something very important to the policy from a variety of different perspectives: one from an enforceability perspective, and two from a protection of registrants and users perspective of making sure that adequate records are kept, and existing basic business records can't be sufficient to cover a new policy with new obligations.

PAUL MCGRADY: Okay, so let's do this. We looked at Recommendation 8 last week. No substantive comments then. We've had a week on the mailing list, no proposed text. It sounds like that this is based primarily on having had more time at ICANN87 to discuss this.

I don't think that there's a real ICANN Compliance issue here. They've signaled that they have what they need out of Recommendation 8. So, let's do this. We'll put it as AOB, but it's hard to have an agenda item when there's no notice to the working group, there's no text to consider. It wasn't raised with leadership in between, it's just being raised here. And so we'll see how we do. Hopefully, we get through the rest of this stuff fairly quickly and we'll have plenty of AOB time.

In the meantime, I would appreciate if, when AOB comes around, if ICANN Compliance can hop on and confirm my understanding that they're okay with the way it sits now, and then that will at least take that part of the discussion off the table and we can get into what's driving the other part of the discussion, assuming we have time. I think we will. Based upon this, we're talking items two and three are fairly straightforward. One may be interesting. Okay, great. Let's do this.

Let us move on to the agenda items. All right, so we have a Registrar Stakeholder Group suggestion, alternate wording on unauthorized use. To determine whether use was unauthorized, the registrar first needs to identify -- this is the issue. The registrar first needs to identify who could authorize use of domain names, such as the registered name holder or the beneficial user in a privacy context. ALAC's reference to the entity legitimately controlling its use raises a similar question: how could that entity be identified consistently in practice?

This could complicate implementation and compliance assessment. So these are things that we need to consider as we're looking at the draft proposed text.

And maybe, I see Feo's hand is up, so maybe you have some more background about how we're going to tackle this today, because we have two competing sort of changes to language that we negotiated out over many months, and I'm trying to figure out how I blend two competing ideas into what we've already got and figure out whether or not we're just making things worse. Feo, go ahead.

FEODORA HAMZA: Thank you, Paul. Hi, everyone. This is Feodora from ICANN Org. Correct, I just wanted to give some background and context on this open item. As you all remember, public comment raised some substantive concerns or comments on the original initial report definition of compromised domain names.

The working group took those into consideration and discussed them at ICANN87 and came up with updated language. There were, however, some comments raised and adjustments proposed by last week. These two were the last ones in the doc. However, since the agenda and documents have been shared, two more came in.

So I think we have four competing suggestions at the moment. So I just wanted to note this addition for everyone's benefit. And it's up to the working group to decide which one they agree on, but just to note, we can also go directly into the document for further clarity. However, this slide was just to provide some context. Thank you. Back to you, Paul.

PAUL MCGRADY: Yeah, thanks. Yeah, so each time we try to redo this, it raises new issues. So let's see here. Let's just do this. Oh, there's two hands up. I'd like to call on the groups who have proposed these, and so we'll have the hands now, but those who have proposed one of the options, please get ready to speak to it and explain how it solves the problems that we were just talking about on the prior slide and why it is superior to what we have already that has already gone through public comment. So Natalie, go ahead.

NATALIE HOWATSON: Hey, Paul, thanks. Natalie Howatson from the registrars for the record. So after the discussion in the working group call last week, the registrars had an internal meeting Friday, hence our later revision in the comment in the document here as well as sent through on the mailing list.

Now what we originally proposed on Friday is here in the comment section, but there's been some back-and-forth on the mailing list with the IPC and NCSG, and Marc, who I'll hand it over to in just a minute, actually sent something through in the mailing list just, I don't know, 15 minutes ago, and the registrars are okay with it. I just sent it in the chat for everyone. So I'll defer the rest of my time over to Marc.

PAUL MCGRADY: Thanks, Natalie. Fifteen minutes of notice is better than none. Marc, take us through your iteration.

MARC TRACHTENBERG: So the reason we have this language in here or something like this in the first place is because the vast majority of domain names are registered through proxies. So, because of that, under the RDEP, the proxy service is the registered name holder.

This means that tying authorization to the registered name holder where it's a proxy is kind of meaningless because the proxy is just hiding identification information, it's not actually controlling the domain name and doesn't want and disclaims all responsibility for the domain name. So we needed something else in there.

Where we landed was beneficial user, which I didn't love, but it was the best that we could kind of get during the session where it was discussed, but beneficial user is not really specific enough either. It's: beneficial in what way?

And so then there were various iterations, and actually this, I need to give credit to Eberhard because Eberhard, I think over the weekend, mentioned register- -- Oh, sorry, account holder, which is defined in the RAA. And so, I think, following with our philosophy of trying to not create new terms and using existing terms where they're already somewhere, especially somewhere like the RAA, that is a good approach. And so, I can give the definition of account holder in the RAA, which I think will be helpful.

It's definition 1.1, so it's the first definition, and it's: "Account holder means the person or entity that is paying for the registered name or otherwise controls the management of the registered name when that person or entity is not the registered name holder."

And this is really the concept that we're trying to catch here, which is: who is the person that is controlling the domain name? That's the user, that's the owner, even though not reflected in WHOIS or in RDAP. And we're trying to protect that person as well.

It's when that person has the domain name exploited without their authorization. So, using that existing definition and not creating a new one, we end up with: "A compromised domain name means a domain name exploited by a malicious user without or beyond the registered name holder or account holder's authorization."

And the rest is what we already agreed on: "The registrar shall reasonably determine based on the information accessible to it and the circumstances applicable to the case if the registered name is a compromised domain." And so I think we have IPC support for this, I think we have NCSG support for this. Sounds like we have registrar support for this. I guess the question is, is there someone that would not support this or has an issue with it, if I might be so bold?

PAUL MCGRADY: Yeah, thanks, Marc. Appreciate that. Yeah, the 1.1 definition is something I had raised at the table at ICANN87, and at the time, I recall Volker pushing back hard on that because they said that definition came into the RAA for completely different reasons.

And so are the registrars relenting on that position by Volker? That's an important question. The other thing that I think we should consider as we're looking at this proposal is that I know what DNS abuse is because that's defined. What's authorized use and what's legitimate use? I

don't know what those are. In my head, I know what those are. I know what a legitimate use is from the perspective of a me, but the whole planet may not share my perspective.

So those are things to talk about as well, and ask ourselves if that's necessary if this is about allowing legitimate and authorized uses, or is this about not allowing DNS -- or actually we're not disallowing DNS abuse, we're just trying our best to fight it by using the ADCs. So give that some thought. Leticia, hi.

LETICIA CASTILLO-SOJO: Hello. Hi, everyone. It's not that -- because Marc said if you disagree, it's not that I disagree, I just want to offer something from a point of view enforceability, implementation. I do agree with what Paul said that when we say by unauthorized user, it raises the question about who has the authority to authorize for it not to be unauthorized? Is it a reseller that has access to the account, hosting provider that has certain access to the account?

It brings that kind of issues with enforceability and potentially inconsistently determining whether domain is compromised or not. The fact of a proxy service, the account holder, from what we have seen in our cases, the account holder is often a reseller.

So it would be bring back to the same scenario where the reseller may or not know the abuse is going on, but that doesn't necessarily mean the domain name is compromised. So I wanted to offer related to what -- Paul, no, Marc was saying that I agree that going back to the definitions of the RAA will allow for greater consistency.

The RAA does define privacy and proxy customer as: "regardless of the terminology used by a provider, the licensee, the customer, beneficial user, beneficiary or other recipient of the privacy services or proxy services." So if the group intends to cover the specific scenario of the proxy service and the customer, there is a definition in the RAA could encompass that as well, because like I said, account holder can be in certain cases a reseller.

PAUL MCGRADY: Thank you, Leticia. I'd like to encourage you guys to get out your pencil and help us rearrange some of the words specifically to -- If there's something that you guys need out of this that you say it now, because by changing the text that went through public comment, we don't want to create an enforceability issue or a board rejection issue sort of at the last minute. So maybe you guys can take a look at the text and get yourselves back in the queue, I'd appreciate it. We're going back to Brian. Brian Cimbolic, go ahead. Actually, not back to, we have not heard from you today. Good morning, Brian.

BRIAN CIMBOLIC: Yeah, morning, Paul. Yeah, so I worry a little bit about unintended consequences of account holder versus registered name holder. I agree that if you're starting from scratch, I think account holder makes more sense than registered name holder, but we're not starting from scratch. We're starting from the RAA. And you look at the RAA, and even if you just do a CTRL+F, registered name holder is used 80 times, account

holder is used eight times. And account holder is actually only used on the RDDS accuracy program specification.

So the actual nuts and bolts of how the RAA intends the registrar to be interacting with whatever we ultimately consider the registrant to be is exclusively the registered name holder. And I'd encourage you to take a look at, for example, Section 3.7 and 3.7.7 of the RAA that covers the registration agreement and things like indemnification, things like data accuracy, things that you would really consider to be, again, the nuts and bolts of the relationship between the registrar and the ultimate registrant is handled via the registered name holder.

Now, that might not be the most elegant solution, it might not be the most reflective of reality in a lot of ways, but I do want to point out where we're grounded at contractually. And where we're grounded at contractually is that all of the obligations, including those around abuse, really get to the registered name holder, not the account holder.

PAUL MCGRADY: Thank you, Brian. So that's registries raising concerns. Carlos, go ahead.

CARLOS BECERRA: Yeah, on this proposed language from Marc, I want to point out we're using registered name holder and account holder to exclude. The domain name was exploited by a malicious user without the authorization of the RNH and the account holder. I think this covers Volker's concern. Before we were using to identify, now we're using to exclude.

PAUL MCGRADY: Thanks, Carlos. So that's the universe of people who had a right to authorize and somebody did something that wasn't authorized, right?

CARLOS BECERRA: Correct.

PAUL MCGRADY: Okay. So it would be a combination of both. Marc, go ahead.

MARC TRACHTENBERG: So I guess the first proposal would be why don't we just add in the PP customer, which is the definition from the RAA that Leticia pointed out. So, account holder, I guess maybe in some cases it could mean the reseller. I don't think that that's what's intended, and I think that if the reseller puts itself down as the person controlling the domain name or the registered name holder, then the reseller is responsible for it and they should change how they do business.

But regardless of that, I think if we want to have the full universe of people and have the full measure of protection, we just add that in. So now we could say without or beyond the registered name holder or account holder or PP customer's authorization. Does that get us there?

PAUL MCGRADY: It's hard to see without revolving text, but hopefully staff can catch that.

MARC TRACHTENBERG: Gabe just put the PP customer language in there. I can put in the full...

PAUL MCGRADY: Yeah. Maybe staff can start to evolve this text for us so we can see what the proposal would look like. Theo, hi.

THEO GEURTS: Yes, thanks. So I haven't been up to speed with this working group for quite a while, but when we are talking about ADCs and just coming from the perspective of an investigator on actually doing this stuff on a daily basis, I don't check account holders. They are irrelevant for me, because most of the time, those are the resellers, and within that reseller account it can be 1 million domain names. I can't perform an ADC on an account holder. I always need to go to the registered name holder.

That is the viable information for me to perform an ADC, and that is basically the nuts and bolts where you start with your investigation. If you want to move on to privacy proxy, I think I never use that information.

Even though the majority of the domain names that are under our management use a privacy proxy service, I always go for the underlying data, because why should I do a check on a privacy proxy that doesn't work, that's always an entity within Realtime Register, the company I work for, so doing an ADC on myself is pointless. So I always use the underlying data, which is the registrant. That is basically how you

perform this, and this is the way how you do it from my perspective. Thanks.

PAUL MCGRADY: Okay. So it sounds like a bit of progress, but a bit of also backsliding from our progress, because it looks like the registrars can't accept privacy proxy. Okay. So this has been evolving. Oh, here we are. Okay, I think this might be it, although we've already been told no to privacy proxy by the registrars. So I think that we can scratch, because we're not getting people around that concept. Gabriel, can you go ahead?

GABRIEL ANDREWS: Hi, Paul. This is Gabriel Andrews for the record. And I think that, Marc, unless I misunderstood your point, I thought that was supposed to be privacy provider customer's information, privacy proxy customer's information.

But I wanted to raise the hands to note that the original language that we considered that employed the term beneficial user, according to the definition I copied and pasted into chat, which is from the RAA privacy proxy spec definition of privacy proxy customer, they note that that is synonymous with beneficial user.

So if your intent, Marc, was to incorporate that concept, then going back to the original language that we all had approved once upon a time that incorporated beneficial user would accomplish that to my reading. So, full circle. Over.

PAUL MCGRADY: Thanks, Gabriel. Okay, let's read through this. "A compromised domain name means a domain name exploited by a malicious user without or beyond the registered name holder or account holder's or beneficial user's..." Without or beyond -- Seems like we're missing some words. A compromised domain name means a domain name exploited by a malicious user without or beyond the registered name holder or account holders or beneficial user's knowledge? Consent? What's missing? Knowledge. Okay.

The registrar shall reasonably determine based on the information accessible to it and the circumstances applicable to the case if the registered name is a compromised domain name. All right. Marc, is this stable? Go ahead.

MARC TRACHTENBERG: Well, I don't know why you changed authorization to knowledge. I think authorization was just struck out by accident when whoever was working on this was striking out PP provider. So, I don't think we should start changing that to have even more discussions.

PAUL MCGRADY: There we go. Okay, no, I thought that was your text. Sorry, Marc. It's with only 15 business minutes to read over the proposal, I'm doing the best I can, bud. All right, okay.

MARC TRACHTENBERG: Yeah, I know. So for right now what we have, I think IPC is okay with going back to just account holder. I understand Gabe's comment. I

can't find it in the RAA, so I can't find that language, but if we want to put beneficial user in here either, I'm okay with it, but I think we need to clarify, if not here, then in the implementation guidance, that we're talking about or that these terms are as defined in the RAA, just to clarify.

PAUL MCGRADY: Okay.

MARC TRACHTENBERG: We should make it easy for people to know where these definitions came from if they're not defined in this document.

PAUL MCGRADY: All right. So, looking at this, the original definition, the last two sentences look identical to me. So, what we're really talking about is, do we keep the original definition: "A compromised domain name means a domain name that is used as a vector for DNS abuse without the knowledge or consent of the registered name holder nor beneficial user?" And the new iteration is: "A compromised domain name means a domain name exploited by a malicious user without or beyond the registered name holder or account holder's or beneficial user's authorization?"

So, can we live with the top paragraph, or are we sticking with the bottom paragraph, I think is what it boils down to. I see in the chat, Yao, plus one for the initial definition. All right. Gabriel, go ahead.

GABRIEL ANDREWS: Yeah, sorry, this is a pedantic point, but if the top text were to be adopted, you need "nor" rather than "or" for logical consistency. Over.

PAUL MCGRADY: Hey, pedantic comments are my favorite kind. Okay, so we're not taking a vote. What we're trying to do is see if there is consensus around either -- Well, we have the consensus, the pre-public comment consensus around the original definition.

So I think what I'm trying to do is see if there's consensus around the new proposed definition. All right. So let's see. Can people just put in -- let's give these numbers. So original definition is number one. New language for today is number two. Compliance says they're happy with either. Let's just put it in the chat. Give me ones and twos, please. Remember, original definition, even though it's on the bottom, is one. New definition is two. Not a vote, just trying to see whether or not we are at a consensus tipping point.

MARC TRACHTENBERG: Paul, sorry to interrupt.

PAUL MCGRADY: No, Marc, no interruptions.

MARC TRACHTENBERG: All right, I raised -- Okay.

PAUL MCGRADY: I see your hand. I get it. That's how it works. You put a hand up, and then I'm the Chair and I call on you when I'm ready, all right? So that's what we're going to do. Again, not a vote, just trying to see whether or not we're congealing around one particular one. Okay. Hey, Marc, your hand is up. Go ahead.

MARC TRACHTENBERG: I just wanted to point out that there's a three based on the chat, which is number two, but without beneficial user or PP customer. That is what some people seem to be behind, and so I think it would be a mistake to not include that one. It should be one, two, or three. So one's original, two is what we have here, and then three is the same as two, but without beneficial user.

PAUL MCGRADY: Okay, that's fine with me. Staff can put that up there. Okay. Because we had a third entrant, and I don't want someone to have said number two, now they like number three better, that's going to get confusing. At 7:06 AM, we're drawing a line under it. Anything under Eric will be considered the official thinking to see if we have consensus around one of these.

Okay, I'm seeing a lot of threes. I'm seeing a one, another three. All right. For those who care to put the chat in, if you care enough to put the chat in, then we'll work off that chat. If you don't, then we really can't get a sense of where you are. We've got a three from Jothan.

While people are considering this, we'll give them a little bit of radio space. Martina, go ahead.

MARTINA BARBERO: Thank you very much, Paul. I think both me and Gabe put in the chat, amongst the three, we would prefer the first, but on the third in particular, we're a bit concerned because there is no reference to beneficial user, which we like about the first and the second. So if you allow me a grading scale, for us is one, two, three.

PAUL MCGRADY: For you, it's one or two, not three, because three doesn't have beneficial...

MARTINA BARBERO: In terms of preference, if I have to rate the order of preferences, it would be one, two, three.

PAUL MCGRADY: Okay, all right. So we have the GAC at one or two, Diego at one, everybody else who took the time to put in put in a three, and I see a two from Eunice. All right. Well, here's where the rubber hits the road, folks. I think that there's, from what I'm seeing in the chat, for those who cared enough to put a number in, three is a strong option. So we're going to go ahead and make that change.

There'll be a consensus call on the PDP, and so if you feel strongly about one or two, then that's a good way to express it, but we do need to wrap up this issue. So three it is. Martina, your hand is up? Hand's down. Okay, great. Nobody asked me, but I liked two. Yeah, Rod, we'll ask staff to take a look at the implementation guidance a bit. Unless people tell me they want another phone call on implementation guidance for this, we'll just trust staff.

Okay, moving on. Implementation guidance 4.1. Here's what we did: we put in these two footnotes. One is to reference SAC 135 -- Yeah, well, I think they're both to reference SAC 135, and then the other reference is ICANN OCTO.

I think that was the footnote change, and then we made this change, which I didn't think was controversial and kind of flew: "including under differing registrar accreditations operating on a common platform." We think we all landed there, and I think staff captured it correct. Marc, I promise I'll ask Dr. McGrady, PhD in rhetoric, if it's "nor" or "or". I won't really, staff can figure that out, but we'll figure that out. Natalie, your hand is up. Go ahead.

NATALIE HOWATSON: Thanks, Paul. Natalie Howatson for the registrars. Just wanted to point out that after our discussion internally with the registrars on Friday, that we wanted to just add a little adjustment to this text. We're in full support with what Rod proposed, but would like to add "within the same registrar family" so that the full text would read: "including under differing registrar accreditations within the same registrar family

operating on a common platform". So wanted to throw that out there for discussion.

PAUL MCGRADY: Thanks, Natalie. Great. All right, we'll have a queue on that. I actually -- Well, okay. Nope, nobody cares what I think. I'm a neutral Chair. I'll say what I think after. Gabriel, go ahead.

GABRIEL ANDREWS: Sorry, I hate to do this, Paul. You're going to be mad at me on this, but I have a question with regards to the prior topic, because three was so fresh, it's only occurring to me five minutes after it was proposed.

But can I ask a clarification question of, and perhaps ICANN Compliance to weigh in, but if the definition of compromised domain now is that it's without the authorization of the account holder nor the RNH, in a proxy scenario then, are we saying that if the terms of use that the proxy service applies to their customers says you can't do abuse, so that's the degree that they're authorizing, they say we don't authorize abuse, and the proxy customer chooses to do abuse, we're calling that compromised now?

Because it's without the authorization of the proxy service, nor the RNH, nor the account holder, who could be the proxy service itself. Is that the intent? Is that we're calling proxy customer abuse now compromised? Because I think that's the effect of what we just agreed to. Over.

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

LETICIA CASTILLO-SOJO: Thanks, Gabriel. That's what I was mentioning before, that sometimes the account holder can be a party that can be the reseller, can be the hosting provider, so they will not have the knowledge about the abuse and therefore maybe considered compromised. But I think your question was different. Your question was that whether the registrar will have to go ahead and confirm there is an authorization from the proxy service to consider that the domain name is not compromised. Was that the question?

GABRIEL ANDREWS: If I may clarify?

PAUL MCGRADY: Yeah, Gabriel, go ahead.

LETICIA CASTILLO-SOJO: Yeah.

GABRIEL ANDREWS: We all in this group agreed that the proxy customer, if they go against the terms of use and they do abuse, that is not compromise. We all agree that? Because I think that's what's been lost. If a proxy customer goes against the terms of use, goes outside the authorized scope of the use of a domain that's set by their proxy service/registrar/whoever, if

the proxy customer is engaging in abusive activity, that is not a compromised domain by our desire, and yet I think we're failing to achieve that with the definition that was just...

LETICIA CASTILLO-SOJO: Correct, that's what I was offering about the privacy and proxy customer, or beneficial user, which I agree can be interchangeable, but doesn't look like that the members agreed.

GABRIEL ANDREWS: Yeah, I think that we unintentionally...

PAUL MCGRADY: I'm sorry, guys. If I let this boil down into a conversation, I'll lose the narrative. I have nothing but huge respect for the GAC and for staff, but if I do that, then the day will be lost. So let me be the ping-pong coordinator. Gabriel, I interrupted you. Go ahead.

GABRIEL ANDREWS: Yeah, so I think that we just unintentionally wrote out that use case. So just think very specifically about the proxy customer engaging in malicious abuse. We all intend that to be malicious, but we have just defined that as compromised, I suspect. And that's the point I wanted to raise. I think it was inadvertently, but I think we just did, and I'm seeking to either fix that or for someone to show me how I'm wrong. Over.

PAUL MCGRADY: Thanks, Gabriel. Do we fix it by just saying without or beyond either of the registered name holder or account holder's authorization, that we would bifurcate those things?

GABRIEL ANDREWS: Are you asking me, sir?

PAUL MCGRADY: Yes.

GABRIEL ANDREWS: I don't think that fixes it, because the proxy customer is neither of those things.

PAUL MCGRADY: Got it. Okay. Marc?

MARC TRACHTENBERG: I totally agree with Gabe as far as intent. I also now am concerned that maybe we have inadvertently broken something. But this is really complicated, and it's really hard for all the different groups to think about all the different implications in a few minutes on this call. And so I would propose that maybe we take this week until the next call, so that the various groups can think about this and maybe discuss offline

and try to come to some agreement, as just happened with IPC, NCSG, and the registrars.

And I know the registrars said they couldn't agree to the PP customer now and they needed to think about it. Maybe that or beneficial user, after we think about it for a week and discuss offline, could be acceptable and could address this concern raised by Gabe, which I share, and then we could just kind of move on and get through the other topics.

PAUL MCGRADY: Thanks, Marc. Well, we still have time on this call, so let's see if we can get there. And the next call is not next week, it's Thursday. Theo, go ahead.

THEO GEURTS: Yeah, thanks. I'm starting to wonder if we are not chasing down something imaginary here. When, there is always a privacy proxy service in place when we are dealing with our abuse cases with the reports, etc., etc. It's always been the case, but that doesn't stop us from taking action.

That a domain name is using a privacy service, be it our own or a third party, I couldn't care less. If the domain name is malicious, if the report is actionable, it goes down. No questions. I'm not going to contemplate what a third-party privacy proxy service is doing. That's not my concern.

My concern is, I'm ICANN-accredited registrar, there is a domain name on our platform, on our accreditation, that is in violation with the RAA, I

need to do something. That's what the RAA stipulates if it's a clear-cut case. So I'm not going to contemplate: "Oh, who is the registrant?

Are they using a privacy service?" Those scenarios are not happening in my world. And currently my world is being dealing with all these websites, fake web shops, because Black Friday is coming. It's completely insane at the moment. So I don't even have time to contemplate all of this. But these are just my two cents here. Thanks.

PAUL MCGRADY: Thank you. All right. Carlos, go ahead.

CARLOS BECERRA: Yeah, I hope this clears it up, but the change we're talking about that actually causes the abuse is a physical change, or a change that needs to happen within an account or within some sort of platform. The registration is almost irrelevant, it's just the use pattern. From my perspective, registered name holder and account holder covers the scenario that we're talking about here. I don't think we need to modify or add every single use case. If we add every single use case, this would be an extensive list that would just become more confusing.

PAUL MCGRADY: Yes. So Carlos, before you go away, we had beneficial user in the original definition, which went through the pre-initial report consensus process out to public comment. What's the concern about beneficial user now? Because doesn't that solve Marc's concern and Gabriel's concern?

CARLOS BECERRA: I don't think so. I think beneficial user can be used many ways. It can be even another layer, a fourth party that's involved, who is technically the beneficial user, not the one actually engaging in the modification of the DNS, which causes the abuse. I think adding beneficial user, for me honestly, sounds inelegant, and I have a visceral reaction to it. But if we want to add it, I think we would need to take some time and take it back with the rest of the team and discuss it.

PAUL MCGRADY: Okay. Okay. All right. So this is an abortive landing. I don't know if anybody's ever been on one, I've been on two, they're terrifying. It's where the pilot thinks he's touched down, but he just hasn't, because there's something in the runway. So we are undoing landing the jet on number three, and we are back to whether or not we can get a consensus around changing the original definition that already went through a consensus process and went out to public comment.

So I'm not hearing that we're there, but maybe we can get there in the next few minutes. I'm not inclined to keep this open forever and have endless calls about this. This is well-settled language that we negotiated out over many months, so let's see what we can get done in the next 10 minutes, and then I'll make a decision. Martina, go ahead.

MARTINA BARBERO: Thank you very much, Paul. And I wanted to just make a bit of a history in terms of why we are reopening this definition, because the reason

why we are reopening this discussion after Bali was that Reg suggested a shorter and a tighter definition, and that's what generated this snowball of definitional work. But I really don't understand, indeed, how we landed on beneficial owner in the initial definition, and now it seems to be a problematic term.

And I also think that we should maybe consider what was mentioned by ICANN Compliance about the fact that vector for DNS abuse is actually much clearer, definition speaking, rather than authorization, which can be a bit subject to what does it mean.

If we don't have consensus of a new definition, the first one seems to cover the question of privacy proxy from where the GAC stands, and seems to be one that we had agreed upon, so I think we can always go back to what was subject to the consensus call. And by the way, you referred to a call on Thursday, but none of us seems to have it in the calendar, I'm afraid, Paul, so just to flag that.

PAUL MCGRADY: Yeah, so we were hoping to not have to send out calendar invites. I mentioned it last week. The calls were on the slides from last week. So if we have to have a call on Thursday, you'll get a calendar invite. But I don't see anything here meriting another call. I just see that we are endlessly circling the same issue and not making progress. Okay. Gabriel, go ahead.

GABRIEL ANDREWS: Yeah, this is just a quick response to Theo, but I want to highlight why this is a concern to me, because I think maybe I didn't do a good job of articulating that. But we're talking about a cutout that would mean that a registrar, if they really are the tail end of the bell curve, the ones that are least responsible, that really don't want to do ADCs, if a registrar like that also does proxy by default, under the definition number three, it looks to me like they could always say: "Hey, our proxy customer is not the RNH, it's not the account holder, and therefore you're telling us we have to do an ADC? We don't think so, because we didn't authorize them to do abuse.

Whatever they did on their own is what they do on their own. We're not going to do an ADC." That's the concern. And I think that based off of the change that was just made, I think you open the door to a non-responsible registrar doing just that. So just want to make that clear. Thank you.

PAUL MCGRADY: Thank you. Eberhard?

EBERHARD LISSE: Hi, I don't understand what beneficial user is. I have put in the chat: the banks, money laundering, and so, they use the term ultimate beneficial owner. I think that makes much more sense as far as I'm concerned.

PAUL MCGRADY: Thanks, Eberhard. Brian, back to you.

BRIAN CIMBOLIC: Thanks, Paul. Just bring things back to the contract. Neither the RAA nor the RA actually have a definition of compromised. The best we have is in the ICANN Contractual Compliance Advisory. And all it says is, it uses the term registrant, which is not even a defined term in the contracts. And I say that not as a criticism, but actually as a -- I think that strategic ambiguity there is really helpful, because do they mean the account holder? Do they mean the registered name holder?

Whatever it is, we all agree ICANN Compliance can enforce that just fine, and they understand what compromise means as it relates to the registrars and registries. I worry that we are in really, really diminishing returns here trying to pigeonhole on specific definitions which might exclude certain things, whereas why not just go down the path that's already blazed before us from Compliance and just say registrant?

PAUL MCGRADY: Okay. Well, now we're on iteration number five. All right, guys. The definition number one is what we worked out in ICANN87 in relationship to the public comment. I don't hear uniformity around options two or three, and now we have option four from Eberhard and option five from Brian. This is one of these situations that everybody doesn't like to see, especially when you're trying to wrap up a policy and get this out the door. Very much diminishing returns, Brian, and endless circling.

So I'm going to reland the jet, and we're going to stick with option one, and we'll have a consensus call on it. If it is important enough for

people to walk away from the policy, I'll just have to take that risk. But I don't think we're going to get there.

Okay, back to Implementation Guidance 4.1. And I think Natalie suggested adding "within the same registrar family". I had an opinion on it, I kept to myself, and we were opening a queue on "within the same registrar family". Anybody want to support or object to the same registrar family?

Rod says no problem with the clarification in Rec 4. We have a heart from Natalie. "Good by me," says Brian, and support Rod's. "No problem," plus one. Great. Okay, and with no hands up objecting, we're going once, twice. Eric's plus one, Eunice okay, plus one.

Okay, well, we got a whole bunch of plus ones. So I'm going to say what I thought, which was I think this makes sense. As I was reading this last week, I thought, what about registrar-agnostic platforms? They're just a platform. And so grouping them in the same registrar family makes sense to me.

So Natalie, thank you for that clarification, we are baking that in, and we are moving on. Implementation Guidance 7.1: use of the term "free". This little word here in yellow. And this is, I think, Reg suggested putting in "free". Natalie is supporting that. Feo, you want to give us some more background?

FEODORA HAMZA: Yes, thank you, Paul. I just wanted to note some context to this comment. The implementation guidance was agreed by the working

group during ICANN87 that new implementation guidance should be established. This is what was added.

There were some changes suggested by the working group which we tried to implement, especially there was quite some discussion on bullet point one, as you see here, on the blocklists. Some noted that the "free" should be added because commercial ones should not be limiting to those.

However, there seems to be maybe some confusion on who needs to have access to these blocklists. In this case, for the purpose of Recommendation 7, it would be the policy effectiveness or outcome reviewer. So just to note that for context. And here, there was a discussion in the comments between Rod, Reg, and Neha, I think, keeping it or not. Some say it should, some say it shouldn't. So that's for group to agree on. Paul?

PAUL MCGRADY: Thank you, Feo. And remember, everybody, these are non-exhaustive examples of potential information. So these are not binding examples, and they are not the world of information. I saw Neha's hand, it seems to have gone down, but you want to bring it back? All right, please go ahead.

NEHA NAIR: Thanks, Paul. Actually, Feodora's explanation really helped me. My reading of the word "free" was that it could potentially limit the blocklists that can be used as information sources. That said, I

understood from Reg's comment that this has already been discussed by the group. I want to flag that I was on maternity leave and I missed some of the discussions. And I am now clear on the intention of the word, and given the context, if my peers are comfortable with the current wording, I'm happy to align with the group's position.

PAUL MCGRADY: Great, terrific. Most importantly, congratulations! And appreciate that. Okay, Martina, go ahead.

MARTINA BARBERO: I think we already raised this point back in Bali, so it's nothing new from the GAC side, but for us, this is a non-exhaustive list of potential information sources, which is as open as you can be in terms of giving -- it's not like you must look at all of these, it's not like this one in particular is more important, it's a non-exhaustive list.

So for me, "free" is not something that I would add to the list, because we thought about ICANN as the most perfect in 10 years' time, let's think that we have the most perfect, but indeed pay-for blocklist that ICANN uses across the board, and they would not be able to use it here for this policy review because we have added "free". I think we can just decide to keep it open.

I understand the registrars' concern that they don't want to be held accountable and don't have the data that are used to measure them, but here we're speaking about the review of the policy itself. This is about the aggregated review of everything? So if ICANN has more data

than the registrars to do the policy review, and I actually hope that ICANN has more data than a single registrar to do a policy review, I think we should leave "free" out. But that's just my two cents.

PAUL MCGRADY: Thanks, Martina. Even though it says non-exhaustive examples? Because there's nothing in a non-exhaustive example list that would preclude another example, even if that example is paid. And so Martina, still no to "free", or...

MARTINA BARBERO: The point is we're saying that we're limiting ourselves only to free blocklists? Even if the list is non-exhaustive, we don't have any other bullet point that mentions blocklist as far as I see. So it's a bit limiting nonetheless.

If there's a really strong reason to put "free" in, we can hear it, but from where we stand, the more data the merrier, especially from the ICANN side. And again, we're not looking at how individual registrars perform the ADC, but here we're looking at what is the outcome of the policy overall. So I guess we need all the data that we can have access to, with the limitation that we know of the blocklist, of course.

PAUL MCGRADY: Thanks, Martina. Do we solve it by saying the following are non-exhaustive, non-limiting examples of...

MARTINA BARBERO: We can make it more difficult, but I think this is easier maybe to just delete the "free" because that was not something that we landed in previous conversation, but if we want to elaborate on the non-exhaustive, illustrative, etc., we can also do that. And I see that Rod is saying that ICANN is already paying for some blocklist data. So, yeah.

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

THEO GEURTS: Yeah, thanks. So I think, I'm not 100% sure, but this sounds like something registrars are a little bit concerned about. I feel concerned about it, not that I don't mind blocklists. We currently use 75 blocklists, which are semi-free. We have to pay with other intelligence to get the intelligence.

That's our only path forward, because if we are talking about all these blocklists, VirusTotal is very expensive. That is completely out of our league. The moment we are forced in some kind of weird scenario here, which I sort of cannot contemplate at the moment, but we would be bankrupt within a year.

So that is so expensive we can't pay for that. And that goes for all these reputation blocklists. The price tags here are not just $20 a month. No, you're talking about five, six figures a year. And that is just not something we would like to be in a position to cough up, not because it's only very expensive, there are so many blocklists out there.

So there is this concern that we could use evidence-based blocklists only if we are paying for them or if they are for free for us, and we can't come up in a scenario where we just are in a world that we'd need to get a subscription to 20 blocklists, because there is no business case that can sort of pay for all of that in a realistic world. Thanks.

PAUL MCGRADY: Thanks, Theo. Of course, this is data that ICANN would be using, not registrars, and so maybe they have the business model that could afford it all. Not sure. Chris, go ahead.

CHRIS DISSPAIN: Yeah, hi, Paul. Thanks. I appreciate it's not data that the registrars would -- It's ICANN data, but also, if I understand Reg's point in the comments on the right-hand side, it was to ensure that registrars weren't required to purchase retail blocklists, and I don't think they are required whether the word "free" is in there or not. So frankly, it's a non-exhaustive example, the addition of the word "free" is limiting unnecessarily, and you're not obliged to do anything, and it's ICANN anyway. So frankly, I think we should just take it out and move on.

PAUL MCGRADY: Thanks, Chris. Let's hear anybody that is dug in on the word "free", because everything I'm hearing sounds like it should go, because this is a non-exhaustive example list, which would include free and non-free. Who wants to push for "free"? Looking for hands, looking for chat. Carlos says he's okay with striking "free".

Yao asks, "Free for who?" I guess it would have been free for ICANN because Rec 7 is about what ICANN will be doing, not what registrars would be doing. And ICANN's happy to have "free" struck. Okay, I don't see a groundswell for "free", so out it goes. Moving on. Feo, go ahead.

FEODORA HAMZA: Thank you, Paul. Just to note that the last editorial updates, they don't really need working group discussion as they are really minor, a comma or a word was missing, to just flag from a grammar and logistical perspective. If you want to go through them, we can, but just noting they should be easily reviewable outside list so you can spend time on AOB, just noting that. Back to you.

PAUL MCGRADY: Yeah, thanks, Feo. I'd like to go through them, because we never know what -- We just struck one word, so one-word change could be considered. I'm also going to hand this over to you, and I'm going to step out of the room for two seconds. Sorry, everybody. So Feo, why don't you take us through those and I'll be right back.

FEODORA HAMZA: Thank you, everyone. So as you can see here, on Recommendation 2, we updated the cross-referencing to Recommendation 3 to 8, because that's the number of recommendations we have here. It's not just 3 to 7. If there are any concerns, please raise them now. Otherwise, we would accept this change. So I'm going to do a Paul and wait for any hands or comments. If that's fine, then we are going to accept this and

move to the next one. Thank you, John. This was further down, I think on Recommendation 7.

So here, on Implementation Guidance 7.1, we noted that a non-exhaustive list as well, and added the word "against" which compliance is independently assessed. So "against" would be here twice, so we need to remove this one at the end and add the one in green for grammar purposes.

If there are any concerns, please raise them now. Otherwise, this seems like a no-brainer. Okay. John, accept. Moving on. I think there is a last one. Here we go. The word in Recommendation 8, "registrars may maintain evidence in forms", we would just include "various" in front of it.

If there are no major concerns, we would keep this. We also understand that this might be the next discussion item anyway, but for the purpose of the editorial exercise, if there are no concerns with the word "various", we would just accept it in this case. Thank you, John, and back to Paul. So the editorial changes have all been accepted. Back to you, Paul.

PAUL MCGRADY: Thank you. Yeah, I think "various" makes sense, otherwise we mean they have to keep them in forms, specific forms? That's not what we meant. Okay, that takes us through the agenda for today. We now have AOB, and I will open the floor to anybody that has AOB.

All right, we have an item from Michaela. Anybody else? We have an item from Rod. So Michaela, why don't you introduce what you want to talk about, and then we'll introduce what Rod wants to talk about, and then I will divide the next 20 minutes -- well, I guess 18 minutes, because staff will need to say things at the end. So give us your overview, and then we'll go to Rod and then we'll figure it out. Go ahead, Michaela.

MICHAELA SHAPIRO: Thanks. Michaela, NCSG. This is just coming back to our conversation at the beginning of this call on coming back to Recommendation 8. So there was a concern among some folks that we just needed a bit more time to discuss how to perhaps nuance a bit more this language and go through to review again the language that was originally proposed by Compliance and to see whether we can make a bit of progress there. I'll leave it there. Would be really helpful to see how folks are feeling about that language and openness to discussing further. Thanks.

PAUL MCGRADY: Okay, thanks, Michaela. Rod, you went away. I need for you to tell us what your issue is so I can diagnose how much time it gets.

ROD RASMUSSEN: Oh, okay, no problem. Yeah, just the point I raised on the list, I guess a few hours ago, about closing the loop on the public comments. I know it got through, because at least one person replied to it, but I want to

make sure that we are 100% on covering the public comments, and not 90-plus percent, which I think we are now. Thanks.

PAUL MCGRADY: Okay, thanks, Rod. Yeah, we went through the public comments at ICANN87, everybody did their homework. After every item, we asked if there was anything from the public comments that anybody felt needed to be addressed. But we can talk about that a bit more. Let's knock that out and maybe I'll have staff address the concern. I did not have a chance to go through the email. I'm hoping that staff might have done that. Is someone going to save me?

JOHN EMERY: Sure, Paul, this is John Emery. Oh, go ahead.

PAUL MCGRADY: Thanks, John. Go ahead.

FEODORA HAMZA: John, floor is yours.

JOHN EMERY: All right, thank you, Feodora. Sorry, I can't raise my hand while screen sharing. So thank you for noting that on the list, Rod. A few things I wanted to -- He was talking about the working group response. So in general, across all PDPs, for example, the Transfer Policy PDP and the Latin Diacritics PDP, the working group response for those that

supported was, "Thank you for the recommendation," and something similar.

These are all boilerplate responses, but we did take the extra time to address specifically how comments were integrated throughout and where it was discussed at ICANN87. There are a few that you mentioned, kind of specifics, that were helpful, and we can update those as well. But in general, this is the process for working group response to this is to note where exactly it was discussed, and, a couple things you noted were discussed after ICANN87, and those can be updated as well. So, back to you, Paul.

PAUL MCGRADY: Thanks, John. Rod, does that address the concern?

ROD RASMUSSEN: So it does in the ones I pointed out in my, at least my walkthrough, that we had not actually responded to. This is in the spreadsheet, by the way, to help you out. The spreadsheet has pretty comprehensively said, okay, where did we discuss this and what was the outcome? There were a few that we said in the spreadsheet, "We're going to discuss this," without actually providing what we discussed and if we discussed it and what the outcome was. So I think that's what John just addressed.

My second point that I raised was that we should, as a work party or a group here, individuals, should review those responses that were proposed and make sure they align with what we believe they are. That

was not assigned homework, at least to my recollection or my review of emails sent to us.

And I think that's important that folks take a look at the proposed responses, even if they are boilerplate, and make sure that those actually line with what we've actually discussed. This is just doing our homework and making sure that everything is up to snuff, T's crossed and I's dotted. Thanks.

PAUL MCGRADY: Thanks, Rod. Yes, I think that's fine. This is a public document, so it's not a consensus item, though, so that doesn't affect our ability to wrap up our work. But, yes, everybody take a look at this. Staff will make sure to send it out, the link again. And if you have tweaks to it, get those to staff, and they will incorporate those just like Rod did. So, great.

All right, Michaela, looks like you get 18 minutes. And let's try to make this as concrete as possible rather than high-level discussions. If you have proposed textual changes, let's get those in so that we have something to talk about specifically. And once we get those textual changes in, we will see if we can get consensus around changes. So Michaela, back to you. Or is it going to Marc? Marc, back to you.

MARC TRACHTENBERG: Well, I just thought that you had a good proposal earlier, which is we have Compliance on the line to see what their thoughts are. And I think, at least from IPC's perspective, we were concerned that there was some

disagreement as to whether registrars might have to create new business records in order to demonstrate their compliance with the ADC. And so while we have Compliance on the line, I liked your idea of asking them. They also agreed that new records may be required, so from their perspective, does the current language address that and give them the ability they need to enforce...

PAUL MCGRADY: Marc, I don't know if we've lost your microphone or if you stopped talking.

MARC TRACHTENBERG: Can you hear me now?

PAUL MCGRADY: Yeah, we can hear you now. Go ahead.

MARC TRACHTENBERG: Yeah, I was just saying, since we have Compliance and Leticia raised her hand, Compliance also expressed that, in their view, new records may need to be created to demonstrate compliance with a new policy, and so it'd be good to get their view on whether the existing language covers that and gives them the ability to make that determination and tell a registrar that your existing records are not sufficient, you have to have new records for this new policy.

PAUL MCGRADY: Great. Okay, thanks, Marc. That's clear. Leticia, go ahead.

LETICIA CASTILLO-SOJO: Thanks, Paul. Thanks, Marc. Our public comment was intended as a clarification, not an expression of concern. So yes, we do think that the language provide us with that enforceability avenue, since recommendation says that the registrar must demonstrate compliance through records, and also says the registrar must develop and maintain an internal process description for conducting ADCs. The rationale also recognizes the registrar may need to establish internal procedures, workflows, and, where necessary, compliance records to demonstrate the ADC obligations have been met.

So the additional confirmation would have been ideal specifically because some members of the groups sometimes seem to express otherwise that new records may not be required, but we don't believe it creates an enforceability issue per se, because we believe the language right now supports the fact that some registrar may need to develop new processes and new records and that would be considered part of their ordinary course of business. And that's what we understood from the session in Bali that the working group does not disagree.

PAUL MCGRADY: Great. Thank you. Okay, so ICANN Compliance has what they need out of Recommendation 8. I don't know if it's back to Marc or back to Michaela. Michaela, go ahead.

MICHAELA SHAPIRO: Thanks. Michaela, NCSG. No, it's not that we had a complete issue with this, I think it's for the sake of clarity having that spelled out. I understand that Compliance says they understand it, and that's great, and I take that to heart. That being said, from the NCSG's point of view and my understanding from the IPC as well is that having that spelled out more clearly here would be helpful for, again, the public, but also at the same time, per Rod's input, perhaps this needs to also be spelled out in the reasoning for why we took a certain decision or not.

So if we were to keep the language as is here, having that clarification perhaps in the Excel document or somewhere documented that this is how ICANN Compliance understood it, henceforth, the working group was in consensus on this language for that reason, that's something that my sense is the NCSG could live with. Yeah, I think that's it from my end. Thanks.

PAUL MCGRADY: Okay, thanks, Michaela. Marc, go ahead.

MARC TRACHTENBERG: All right, I think from the IPC's perspective, based on Leticia's comments, if Compliance feels they have what they need and she made clear that their view is that new records may be required, I think we're good with the language. Our concern was the same concern that Leticia expressed, which is that, despite what we thought was kind of clear, some people still in the working group were insisting that new records did not have to be created.

And so that disconnect is why we felt that maybe more clarification was required in the recommendation, because if there's disagreement within the working group of what it means, then that suggests that people that were not intimately involved in this and up at 5:30 in the morning every Monday working on this, that they might not understand as well. And so that was really the concern. But if everyone in the working group and the registrars and others are now saying that they understand and agree that new records may be created, then I think we're good.

PAUL MCGRADY: Thanks, Marc. Yeah. So yeah, we had this conversation at '87. We're having more of it now. That's fine. ICANN Compliance says that they're good with this language. I don't think it's individual working group members' belief that is the policy. I think the policy as written is the policy. And the policy is that registrars have to be able to demonstrate compliance through records and documentation. So I'm not confused by the text. I think that staff sort of explained the intent of this in the rationale based upon those discussions that we had, some real detail. And so what I'm hearing is with ICANN Compliance weighing in, we seem to be heading towards okay. Michaela, go ahead.

MICHAELA SHAPIRO: Yeah, thank you. No, I think we are heading towards okay. Agreed there, and I just wanted to put forward -- I know you had mentioned any textual changes, this is the moment to put it in there, so this is not about whether new documentation is in there.

I wanted to just close the loop on that. It sounds like we're in agreement there, but continuing on the conversation on this recommendation, one thought that we had was the NCSG was very supportive of the input from the SSAC, SAC 135, which talks about the critical mass of information that you kind of need to be able to demonstrate compliance with the ADC, and they had language related to ensuring that the registrar has enough information to distinguish three things, which I think, again, a lot of this data is collected already, but it could be helpful to kind of cite this reference to SAC 135 in the IRT. And so wanted to put that forward as this would be under the rationale or the guidance for implementation.

So this is where the NCSG was just concerned that perhaps more clarity was needed there, and this could be a helpful reference point. Just wanted to put that out there. Thanks.

PAUL MCGRADY: Thanks, Michaela. My concern with three minutes left is that we don't have a chance to go through SAC 135 and make sure everybody in the working group agrees with everything that's in there. So I tried to address this I think on the last call or the call before that, that I would be writing a letter to the IRT and referencing Recommendation 8 and saying: "Here is something that the Chair of this working group found helpful," and I will also be sending that letter to the Council Chair as a way to capture it without having to make it a non-consensus item.

I don't need to seek the working group's consensus for me to pass along the SSAC's good work, or the OCTO report or things like that. So I hope

that's enough, but if we get into going through the SAC document, we're not going to get there. Is that okay with you, Michaela, if we just handle it that way? Okay, all right. All right, two minutes left. Anything else on that?

All right, great, I think we did it. I know we got some things that were easy and some things that were hard and some Chair calls today. I don't like Chair calls. I like it better when there's groundswells, but we didn't get one. So we're going to press ahead and get this done. Staff, walk us through the action items, please.

FEODORA HAMZA: Thank you, Paul. We understand from your assessment that the consensus -- So this would be the last working group call, and this means that we will update the draft report with all the changes that were discussed and agreed today.

This also means that we will share right after the call the notes and action items and all relevant documents. Our understanding is also that the consensus call would then be four days after the last call, which would be this Friday, 13 of November. So this is a call for the working group. Please wait for an instruction email that we will be sending out, but the process is not new. The working group has been through this before.

However, next slide, and I will hand over to you, Paul, in a second. This time it will be a 10-day consensus call, similar as last time, which was shorter, but this one, it's the final and that's the counting one. Back to you, Paul.

PAUL MCGRADY: All right. Thank you. So we're here. So the tentative start is this Friday, is that right? Did I get that right? It'll go 10 days. And you'll get an email on this with all the -- When it'll start, when it will expire.

And like last time, we do need to hear from the represented groups. So it needs to not be: "My view is this, but I don't know what the BC thinks, even though I'm the BC rep." We need to hear: "BC is good," or "BC doesn't support," or whatever. Because we can't read minds and we don't know what you're thinking. And with this much hard work together doing compromises and reading it, we will assume that silence is assent. So if you are not assenting, you're going to have to make that crystal clear.

And then at the end of the consensus call, leadership will take a look at the comments back -- or not the comments back, the level of support from the represented groups and assess whether or not we have full consensus, rough consensus, or no consensus. And then we will, hopefully, pass that, we hope, after all this work, and get this onto Council assuming that it passes the consensus call. So we have three minutes left. I have a hand from Marc. Can I give you one minute, Marc?

MARC TRACHTENBERG: Sure. I just had a clarifying question for the process you just described. Is the consensus all or nothing, that's what you're looking for, or on recommendation by recommendation? Just to clarify.

PAUL MCGRADY: Yeah, I think that's a fabulous question, Marc. Feo, go ahead and answer that for us.

FEODORA HAMZA: Thank you all. So as you did during the initial report, it will be per recommendation and per implementation guidance, not on anything else in the report. Hope that helps. As noted, we will provide dedicated material, also links to the working group guidelines on what consensus, full consensus, and other versions mean in the upcoming days to use, so this is not the last chance for information. Back to you, Paul.

PAUL MCGRADY: Yeah, thank you, Feo. And please make it clear. So a response in that says: "We wish Recommendation 3 said these things that have essentially already been discussed, but weren't adopted."

And if that's all we hear from you on Recommendation 3, those, "We wish it said these three things," may not have been your intent. And so if people can't help it, people like to say the three things they wish it said, but if it's the three things... "Here are three things we wish Recommendation 3 said, but we support it anyways," that's what we need to hear. If it is: "We do not support Recommendation 3 because we wish it said these three things," then please make it clear.

We just can't be in the business of mind reading, and so that's my personal favor to all of you, my personal favor ask. All right, one minute

left. I think we are out of hands. We have this really cool, very, very irritating slide from Feo. Thank you, Feo.

But seriously, congratulations. You guys have been a model working group. I've really enjoyed this project. I think we have proven to the ICANN community that we can get quality work done within a reasonable amount of time, and I look forward to seeing you all in Lisbon and working with you on other things through the community between now and then. Thanks very much and you all have a great day. Congratulations on getting this done.

TERRI AGNEW: Well done, everyone. I'll go ahead and stop the recording. This slide just makes me so darn happy. Take care and we'll talk to you later. Bye.

PAUL MCGRADY: Bye-bye.

[END OF TRANSCRIPTION]