JULIE BISLAND: All right. For the recording, this is Julie Bisland. Good morning, good afternoon, good evening. Welcome to the DNS Abuse Mitigation PDP1 Working Group call taking place on Monday, the 10th of August, 2026. For today's call, we received apologies from Eric Rokobauer, RrSG, Michaela Shapiro, NCSG, Luke Wood, BC, Brian Cimbolic, RySG, Benjamin Akinmoyeje, NCSG, and Farzaneh Badii, NCSG. Alternates today are Theo Geurts, RrSG, Edmund Brahene, NCSG, Vivek Goyal, BC, and Chris Disspain, RySG. 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. And seeing no one, members, participants, and alternates will be promoted to panelists. Please watch your screen for the Zoom prompt to be promoted. As a reminder, only members and participants may participate on the call. Alternates should only participate if they have been asked to replace a member or participant of their group or committee in their absence. 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, thank you. I'll turn it back over to Paul McGrady. Thank you, Paul.

PAUL MCGRADY: Thanks, Julie. Good morning, everybody. We have a two-hour call ahead of us. I don't think it necessarily needs to be a two-hour call, but we'll see how it goes. Today, we're going to hop right into the PDP update, but

today we are going to get a lot done. On the PDP update, there we go, on our timeline. Here's where we are, August 10th. We had our third read on July 20th, our fourth read on July 27th, our fifth read on August 3rd on an initial report that came out of our very good work in Seville, where we dealt with all the cannot-live-with issues. And so today is our final call and read on this initial report. We'll go through any pending discussion items, and we'll prep for the consensus call and the public comment on the initial report. So we are on track. And as we get ready for ICANN87 in Bali, you can see here in August, that's where the running man is. We're finalizing the draft initial report. We're going to do a consensus call on that, and we will start public comment. And September is kind of a light month for everybody. We are going to get the initial report from public comment. We'll be doing public comments on the initial report, and we'll be doing some webinars to present the initial report to the community. That's really work for Nick and me. So that'll be kind of a nice break for everybody here. And then ICANN87, we have four working group sessions to discuss the public comment and adjust the report as necessary, and then we will draft the final report. The public comment, Nick will get into some of this, but the four working group sessions are to look for those aha things that we may have missed as a working group. We are brilliant but not infallible. The public comment's not meant to force a relitigation of everything that people didn't prevail on in the working group. So I hope you guys take that message back for us.

Let's get into, I think we have some ICANN planning to talk about. So in ICANN87, some more granularity. The primary thing we're going to do is to go through the public comment, look for those aha moments. If we

have aha moments, we will figure out how to adjust the language of the initial report as we build the final report. We have the session times here for you, so you can go ahead and get those in your calendar, and I expect that staff will probably be sending us all calendar invites so that we all know where we're supposed to be and when. Quite a bit of work. Quite a bit of it's front-loaded in the first three sessions, and then the last session is towards the end. That way people have time to talk to the groups that sent you here. All right. Any questions on this kind of procedural stuff? Great. We're going to go on now and talk about how the consensus call's going to work. And for this, I am handing it over to my good friend and co-chair, Nick. Go ahead, Nick.

NICK WENBAN-SMITH: Thanks, Paul. Hope everyone can hear me fine. So I think we touched on it last time, but just a bit more information. I feel like a bit of a hostage to fortune because this does assume that we get through today's call. But like I said, we wanted to have an initial consensus call before going to public comment. The timing of the public comment, in order to look at the public comment feedback in Bali, working backwards from those meeting times, it means that this is a good time to do the consensus call for seven days before public comment starts, so that we can hopefully demonstrate to the community that their community representatives, at least as far as the initial public report going out, are content with where we've got to. So as you can see, after this call, staff will send out, or maybe it might even come from me and Paul, but we'll send out an email to everybody on the PDP saying, "Here's the initial report in draft," and we prepare for the public comment period. But before that, we'll have a consensus that this is the right document to put forward to the

consensus call. Just the public comment, sorry. So you can see here, thanks, staff, for moving forwards. This is not the end of the end, it's the beginning of the end as such. Sorry, it's always risky invoking Winston Churchill in these sort of calls. But look, this does not preclude anybody from raising issues in the public comment period. It's perfectly fine, and particularly supportive comments are good. But if there's things that we've missed, the point about this process is to get to the best possible policy, and we do that iteratively and crowdsourcing good ideas and getting everybody, all the eyeballs we can on it, and meet multiple times in order to try to get towards a document which does us justice. So as you can see here, the... Oh. Paul's message just came up on my screen. We put it out and it's not a call as such, but there's an email objection process, more or less as I would say it, going from 18:00 UTC this evening through till the 17th of August. So it's really, I think we've heard everything that everybody's said, and we've tried really, really hard to listen. But if there's still objections to where we've got to in the draft initial report, then this is a process to allow every participant on this call some time to air their objections. Obviously, it's been a process, I would say. So not everybody's got everything that they wanted, and hopefully no one has got everything that they wanted. There's been necessary compromises, and like I said, I think on the call, which I was leading a few weeks ago, this is not perfection. We want a good enough policy, and we want to have the text of it good and clear, and there could be legitimate areas where, hey, it's not exactly how I would've put it, but is this good enough to go forward to public comment? Because ultimately we want to get through this policy process in good order and deliver something which actually helps mitigate DNS abuse across the board sooner rather than on a sort of multi-year timeframe. So I think we're

trying to do this quickly, but we want to do the right process, and so if there are things which don't look right, then that's the process. But as you can see here, this is really an objections process and non-response is taken as non-objection, and we're happy, Paul and I, as the leadership team, to take up last-minute objections and to try and reevaluate and to reach further compromises where necessary. So it is a process. It's not mine and Paul's policy, it's our policy all collectively together. So we will take it seriously, and we will be mindful, and we won't take it personally if people do raise objections, I promise. So are there any questions about the consensus call process? I was going to say, as I said, it's not the end of anything. There's plenty of opportunities within further comments in the public comment period, whether individually or as constituency groups, and obviously going through the Council process and Board adoption, there will be further opportunities for input. So this is not the baking of the cake completed here. So I don't see any hands, I don't see any questions. We do it differently in the ccNSO, that's all I can say. So there's been a bit of a learning journey for me in terms of the policy process, but, okay. Anil.

ANIL KUMAR JAIN: Thank you, Nick. Anil, for the record. This is regarding consensus call. In case there are certain suggestions or objections received, we said that leadership team to reevaluate and publish an updated designation. Is it possible to have an actual call like we are having today to listen to the person who has objected, so that we understand the perspective of the objection? I personally feel that this will be much better in case the time permits. Thank you.

NICK WENBAN-SMITH: Okay, thanks for the question. It depends slightly on what comes through. I see Paul's got his hand up, but I think it'll be for us to decide whether or not, because there are lots of different constituency groups, right? If one of them says, "Hey, there's one issue here, a central plank of the policy that we do not like," then as far as we will do, we'd have to take a judgment call as to whether or not that is sufficient objection to derail the project and to cause us to go back to the drawing board. But what we hope is we've heard everything so far. If it's a repeat of something that's already been litigated, then I don't think that will change our course. But I'll give the floor back to Paul.

PAUL MCGRADY: Yeah. Thanks, Nick. Yes to all that, as you just said, Nick, and a reminder that we've gone through quite a bit of iteration on this. Right? We've dealt with all the issues that were marked down as cannot-live-with issues. That's coming up on months ago now, or it was months ago. Or we're getting there. And what we've done over the last five or six weeks was meant to be going through the initial report draft and tweaking language here and there, doing some wordsmithing. I do think that some folks have overdone that a little bit, by raising new issues or taking another look at things that had been talked through significantly up to and in Seville. Because we had time on our calendar, because we've been so efficient as a working group, some of that stuff got a significant amount of airtime. But at this point, Anil, I will say if there is something in this report, after all that process, that a particular representative of a group, and remember, it's a representative model. If a constituency or

an SG is coming at this late hour and saying, "Yeah, we're really not on board with this," that's going to be a surprise. And Nick and I will have to figure out how to do that, but I don't think that the way to handle that is to have more phone calls about it, because we've already had lots and lots and lots of phone calls. I think that the way to handle that is simply to figure out whether or not that objection is within that sole group and is something that moves us from full consensus to rough consensus, or if we have enough last-minute objections, if that puts us out of consensus territory for that particular recommendation. So anyways, I hope that's helpful. So bottom line, Anil, I do not anticipate having more phone calls over this. We've spent hours and hours on this at this point. Feo's hand's up, and so maybe I'm about to get reversed. Go ahead, Feo.

FEODORA HAMZA: Thank you, Paul. Hi, this is Feodora from ICANN org. Nothing to reverse here, just to add a bit more procedural information for the benefit of the group. Just to note that this update or this slide is just to give the group a heads up, but as announced by Nick earlier and seen here, the official email will be sent out by leadership before 18:00 UTC today, and the exact instructions and supporting documents will be there. So this includes a table with a recommendation name, an implementation guidance name, and leadership consensus designation, and then also a PDF of the recommendation that the group developed as well as the implementation guidance. And based on those, the consensus call will be taking place. And if an objection is received, leadership is supposed to reevaluate the consensus designation only. And if members want to submit a written statement why they object or any other thing, that would then also be linked and referenced in the consensus designation

that ultimately will be included in the initial report and any other things that would need to be further discussed. As noted, there will be Bali and all the calls afterwards. So just to note again. And, as you saw in the link in the slide earlier, there is a link to the working group guidelines and we will share that also with the official email that leadership is going to send out on what the consensus call and consensus designation means. So just to help the group with that. So back to you, Paul, and I see Nick's hand is up as well.

NICK WENBAN-SMITH: Yeah, I was just going to say, if anybody is considering objecting in the consensus call, what I would request, I guess, is don't do this at the last minute and surprise us. Reach out. Do it on the mailing list or reach out to Paul and I directly, personally, and just check there isn't a solution to this thing or just to get through it all because I don't want to find three or four objections to the consensus call at the last minute when we're just about to go out to public comment. That's unhelpful in terms of an orderly process for the leadership transition. That's just a request from my perspective. We hope that there will be consensus, obviously, but there's this process to go through. Marc, I see your hand's up.

MARC TRACHTENBERG: Just for clarity, I was hoping to maybe understand what it means if there are objections. If there's just one objection, what does that mean? How many objections changes the designation? How does the designation change? I think it would be helpful for people to understand that.

NICK WENBAN-SMITH: I mean, the classic answer is it depends, right? If, like I said, it's a minor thing which we don't think is part of it from one element of the community, then we might still go ahead based on rough consensus for the comment period, because the comment period is also another chance for everybody to pile in and to give more airtime to other issues. But obviously, we would like to get through the public comment period, and if it seems to us that it's not going to... Yeah, there's a consensus playbook in terms of all of this stuff. So I think if it's one thing on a minor point, then that wouldn't derail the public comment. But if there were multiple objections from all parts of the representatives, then we'd have to have a serious think about whether it was in a state that's ready to go to public comment. Tell me if I'm wrong, Feo or Paul, but that was my kind of feeling as to how it goes. Thanks.

MARC TRACHTENBERG: The answer is in the chat, though, so I think I'm good. The guidelines were posted, so.

NICK WENBAN-SMITH: Great. So you had your hand up, your hand down. Marc, is that done? Are we done on the process? We're happy to go through to the last issues and hand back to Paul.

PAUL MCGRADY: All right. Thank you, Nick. Next up is public comment, and let's see if we can run through this. My browser's all over the place now because I was looking up for a link for the playbook. So public comment lasts 40 days.

It will start August 18th. Once public comments close, working group members are encouraged to review the comments on your own and to come prepared for ICANN87. Staff will also be working on a summary report. This is standard approach to these kinds of things for anybody that's not been on a working group before. Pretty straightforward stuff, and you'll be able to find our report on the public comment page at ICANN. And we will keep you informed that public comment has opened. In terms of the actual way that ICANN org does this, there's a step-by-step guide. I think this is clickable in the slide. If not, maybe we can get it moved into the chat. There's a guided submission form. In other words, there are some mandatory fields to fill out so that we know who we got the form from and whether or not you support or don't support. Standardized questions for each matter, and there are some optional questions with opportunities to either provide reasoning for support or non-support or for tweaking of text and those kinds of things. There are some open-ended response opportunities as well if people want to write something more fulsome. And those are generally for the, you can pile on on the rationales, discuss the impact assessments. So it doesn't limit its scope. It just provides the input in a way that is collectible. So that's good. And I think we have one more slide on public comment, at least. Okay. Yeah. So when you're reviewing the public comments on your own and when we get to Bali, we should consider a couple things, right? So was there any new information or evidence that was brought forward by the public comment? Like I said, we're smart, but we are not infallible. We should think through implementation considerations that are being raised. If somebody in the public comment raises an unintended consequence, if there's poor drafting, and drafting is oftentimes difficult when you're doing it by

committee, so drafting ambiguities or inconsistencies, and then issues that may have been overlooked. As we've been saying, that this is not meant to reopen discussions on issues that have already been considered, unless there is new information, evidence, perspectives, or reasoning that we have not already heard before. So again, it's not an opportunity to undo compromises or to revive discussions that are done and dusted. But if there is something new that we have not thought of or heard about, we will pull that out of the public comment and bring it to the working group. So, yeah. So we do remain open to revisiting things, but it has to be for a reason. So, in the meantime, Nick and I are going to do some webinars. We'll organize a webinar for the community about the initial report, and the preliminary recommendations, plural, a typo, during public comment period. And we are aiming for the week of September 8th through 11th on that. You'll be told about that webinar in case you guys want to be on it. And the idea is just to inform the community where all this landed so that they can participate in the public comment more fulsomely. We won't be taking questions or anything like that at that point. Just an informative sort of one-way thing.

This one's the next one. Oh, I'm sorry, before we can move on to this, any questions about public comment? All right, seeing no hands. There is a working group self-assessment, and I do believe we do another one of these at the end. But during the public comment, the Council requests that working group members complete a periodic working group self-assessment. It's a survey that will be emailed to each of you after public comment is opened. Takes about 15 minutes to complete, and then that will go to Council leadership, and the Council and us.

Depending on how it goes, I guess, we'll consider whether there are any changes that should be considered to enhance the team's operations. We're pretty much at the tail end here, but that having been said, if there are comments, Council will look at those and take those seriously. So you will see that coming up in the short term. And any questions about the self-assessment? I think you'll get to do another one, like a how did it go diagnostic at the end, but this is the interim one. All right. Great.

This is where we jump into the updated draft initial report. So leadership, with support from staff, updated the initial report to reflect the working group's discussion from last call. The revised draft incorporates the agreed changes to the recommendations, the implementation guidance, and the rationale. The updated draft was circulated Thursday along with the agenda for this meeting, so hopefully everybody had a chance to look through those. We have discussed and resolved the following things. We had, and I don't want to spend a lot of time going through them, but we had some changes from Gabriel, and proposed changes from Gabriel, Marc, Ching, another one from Marc, and one from Farzi. And you'll see in the far-right column what we did with it. We had some that were accepted, some that were not accepted. And so this is just a history lesson for a call that you all were on last week. So take a look at those if you haven't yet. More of those. And we had, oh, I remember. Yeah, Eunice raised some things. Some more from Farzi, some more from Marc. So we had some that were accepted, some that were not. So take a look at those. All right. We are final read. Yeah, review process for the fifth read and fifth and final, I guess. The next slide shows on a high level which comments will be prioritized today for

discussion. Working group will continue discussion and reviewing these comments directly in the draft initial report, and we will hopefully get through these. Great. And so we've got one thing that's helpful here on the second-to-right column. Staff has pulled out the support or non-support from the list. And so let us get started. Staff, do you mind showing us the next screen? Is this the universe of it, or do we have... Or yeah, this is the universe of it, guys. We are in the home stretch. All right. Let's see. We will start with Gabriel on his item.

GABRIEL ANDREWS: Copy that. So hi, all.

PAUL MCGRADY: Yep.

GABRIEL ANDREWS: This is Gabriel here, and thank you for showing the text. This is mostly an attempt to seek clarification and specificity. That was why I was inserting some questions initially, and then at Feodora's prompting, I inserted suggested alternate text. But really it was an attempt to seek some clarification here, and in particular, in paragraph 316. I noted that there was a line that initially was reading that the working group recommends that a registrar conducting an ADC should limit access to and correlation of data to what is reasonably accessible for the investigation, taking into account the purpose of the check, the nature of the evidence, and the need to protect registered name holders and registrars. And I wanted to seek clarity because I didn't know what we

were protecting those registrants and registrars from, or if this was intended to be an open-ended commitment to protect them from anything, compliance, accountability, et cetera. And if it was intended to be open-ended, are there limits to what we intend to protect the malicious registrants from? And should there be clarification there? And so if it was intended to be open-ended, I would rather strike that latter portion as I've indicated by note this morning, just to make clear. If it was supposed to be, however, a more narrowly scoped commitment to protect registrars and/or registrants, I'd sort of like to know what that scoping was intended to be. Hope that's clear. Over.

PAUL MCGRADY: Paul, you're muted. I'm muted, and a mouse that's not working. There we go. Staff, you had a list of support, non-support from the list. On this item, we had the ccNSO. Boy, that's so small. I'm so old. See if I can blow this thing up. There we go. Whoops. Yeah, no support. You can see it here, ALAC, RySG, and NCSG. We had support from the BC, support from the IPC, and support from the RSSAC. So again, it's not a vote, but for changes at this late stage, we are looking for overwhelming support for changes to the text. So I will open a queue. Anybody that would like to speak for supporting this change, anybody that would like to speak against this change, let's get in line. Martina, go ahead.

MARTINA BARBERO: Thank you very much, Paul. I hope you hear me because my headset is always doing strange tricks, but I see you nodding, so that's great. Just to note, I see that there is not an overwhelming consensus to change this

text. But I wanted to reiterate that I think Gabe's point is more that this sentence can be interpreted in different ways, and there's a bit of uncertainty around it. And I understand, Paul, that in the public comments we might get feedback from people saying, "Hey, this does not read clearly," or, "This is inconsistent with something else that we wrote somewhere else." So I just wanted to flag that as a non-native myself, it's indeed a bit unclear what are we protecting registered name holders and registrars from. So it's a bit like we are left a bit hanging on what are we trying to do here. So I understand maybe we don't have the overwhelming consensus to change the sentence, but just wanted to acknowledge that there might be some feedback maybe coming in this way.

PAUL MCGRADY: Thanks, Martina. Marc?

MARC TRACHTENBERG: I just wanted to get clarity on this change, not the purpose of it. But in the current draft, and the need to protect everything else is stricken. So is this other sentence fragment still in the document or not? If it's not, then we don't need "innocent."

GABRIEL ANDREWS: I can clarify that, sir.

MARC TRACHTENBERG: Yeah. Thanks, Gabe.

GABRIEL ANDREWS: The strike edit was my edit this morning. You can pretend that that strike edit isn't there, because the current document would read that whole sentence absent the strike. And apologies if that was confusing, that would be my attempt to suggest alternate text.

MARC TRACHTENBERG: Yeah, IPC's okay with striking this whole everything that Gabe struck. That's fine.

PAUL MCGRADY: All right. Well, Farzi, go ahead.

FARZANEH BADII: Yeah. So we have, since the beginning of this working group, made examples of what can go wrong with ADC and this kind of like it's not unknown to the group that a domain name registrant could be exposed to privacy issues and stuff like that. So I don't think it's unclear at all. We have also provided examples of what can go wrong, real-life examples. This group, when it's somebody else's point, we work based on hypotheticals, but when it's our point, we have to come up with real-life examples. So I think that we shouldn't accept this change and not strike out to protect the registrants as well as I just wanted to say, Paul, that for the changes that the working group did not accept last week about the safeguards for the domain name registrant for their privacy, for not taking disproportionate measures, that we would have preferred that we could have had more conversation about it on how to reword it so

that the group can agree to a minimum of protection. But, I know that there are some other changes there. Thank you. I just wanted to make that point.

PAUL MCGRADY: Thanks, Farzi. I appreciate the commercial at the end, but we do need to stay focused on the issue that's in front of us. And so I'd like for staff to back out the recent change by Gabe this morning, because I think that the request was to include the word "innocent," and that was what we had comments on in the document and on the list. And, because to strike out all protections for everybody, that's a major change. So, I guess the question is, has the ball moved on striking or adding in the word "innocent"? And I don't hear that the ball has moved. It sounds like it's the same basic thing that we saw on the list. And so absent an overwhelming push to add the word "innocent," to tighten the language, then I don't think that this change makes it. So, let's move on to the next one. The next one is also a Gabe. And he proposed to remove, "should not require incident-level sharing of precise information unless otherwise required by applicable law or contract." And then if we can, I can shrink down. Yeah. I'm doing both things. I'm both shrinking and ask... Staff, can you move to the right just a bit so I can see the... Yeah. So, this one was supported by everybody except for the NCSG, or at least those who spoke up. It may not be that it's in fact supported by everybody besides the NCSG, there may be others. Let's hear first from Gabe to introduce it, and then we'll hear from Reg. Reg's hand is up. Gabe, go ahead.

GABRIEL ANDREWS: Thank you, Paul. So I'm flipping back to the text so I could read my initial comment to myself, too. So the way I was reading this is this sort of intention and potential conflict with some of our other recommendations, that any information sharing should be very specific and targeted to information about the incident, the malicious domain registration. And so this seems to be exactly opposite that intent. And so I was wondering why it was that we're seeking to have a prohibition against very specific targeted information sharing. And I thought that the concern should be about overly broad information sharing and not a concern about very specific and narrow incident-level information sharing. Over.

PAUL MCGRADY: Yeah. Thanks, Gabe. And before Reg goes, I guess I'll put my two cents on this one, which is we've talked quite significantly about this PDP being focused on what registrar requirements are, not inter-registrar data sharing and other obligations. And so this, from my point of view, this sentence just, I think, was clarifying that. But let's hear from Reg, and we'll see where this one lands. Reg, go ahead.

REG LEVY: Thanks. The registrar position on this is neutral, whether you have it or not. But my read of this struck part is that it should not require, but it will still allow. So it's not saying, hey, if you run an ADC and decide that Jane Doe is a terrible human, sorry, not innocent, that you have to tell all of the registrars, but rather if you feel like it, you can. So that's still allowed. It's just not required. And obviously, unless required by law or

plus required by contract, et cetera. So that's the piece that I was reading it as. Again, I don't care if you strike it. I don't care if you leave it. I think it's fine as is. But for Gabe, that's what I read this as saying.

PAUL MCGRADY: Gabe, go ahead.

GABRIEL ANDREWS: I appreciate that clarity, Reg. Also appreciate the flexibility that you're sharing. I wonder as well, would anyone read this sentence and think that it is a prohibition against compliance requiring specific information of a registrar?

PAUL MCGRADY: So thanks, Gabe. That's a good question. The way I read it, it says it should not require. That should not require means you don't have to do it. It doesn't mean that you can't do it.

GABRIEL ANDREWS: Correct. And I guess my point is, Paul, that we were talking in Recommendation 8 further down the line, that there are certain things that we're expecting compliance can require a registrar to answer. And I just wouldn't want to see conflict between that or this potentially being used as an excuse as to why they don't have to answer any questions from compliance if they're specific. If you understand the general thrust of my concern.

PAUL MCGRADY: Gabe, I guess as I look at it, it does refer to the ICANN contracts, right? And so if it's a requirement in the ICANN contracts, it's a requirement. If it's not a requirement in the ICANN contracts, it's not. But okay. Marc, go ahead.

MARC TRACHTENBERG: Gabe's interpretation did occur to me as well. I think it could be read that way. Maybe the solution is to say, "Should not require incident-level sharing of precise information outside of ICANN compliance." And that addresses the specific concern. And then you can address the other concern by saying, registrars may, but are not required to share incident-level reporting. So, the two issues raised, that's two potential solutions.

PAUL MCGRADY: Yeah. Any other comments on this? All right. Well, I'm going to take the easy path here. I'm going to push the easy button. We had objection only from one group. And to me, that is overwhelming support. So we are going to accept this change and move on to the next one. All right. Let's see here. Next one. Marc, this is about the definition of customer in the glossary.

MARC TRACHTENBERG: What line is that now?

PAUL MCGRADY: 538.

MARC TRACHTENBERG: So I think here what I was trying to get at is we have a lot of different levels of people that are between the registrar and possibly the person actually controlling the use of the domain name. Right? We have the proxy service, which is the registered name holder in most cases now. And then people have raised that there could be a reseller, which is the registrar's customer, and there could be several levels down. And I think it's important that the ultimate customer really is where we want to address the person who's actually controlling use of the domain name, right? Not the proxy service, not maybe the reseller or the customer of the registrar that is reselling or licensing the domain name to third parties. So that's what I was trying to get at there.

PAUL MCGRADY: Thanks, Marc. Staff, do you mind if we can just flip back to the other screen and see what we had in terms of support or non-support on this one? We had no support from ccNSO. Do you mind scrolling down just a smidge? And no support from the NCSG. We seem to have support from a decent number of others. Let's take a queue. Reg?

REG LEVY: Thanks. I'm a bit confused by Marc's desire to constrain the definition of customer, because right now, the customer is the target. Sorry, without the addition. The customer is the target. And as he says, there may be many levels of customer, and I would assume that he would want us to

review each level, right? So for a wholesale customer, it would be the reseller and their registrant, and perhaps any proxy service that the registrar is aware of, and perhaps the privacy service, and not just some ambiguous customer of a customer of a customer that we don't actually know any information about. So the way that my company typically does these ADCs, we're looking at each level, and it's not focused just on the final party because, again, the RNH may not be correct information, especially in the case of a maliciously registered domain. So we don't want to focus on that party. And if they didn't use their real name, then I don't really know how we can know who they are. But I think that the way that it says without this addition, it may include the RNH. It may include an account holder. It may include a reseller. It may include the privacy customer or the privacy service. All of that is what's being reviewed and not just some ambiguous party who controls the domain because we have the freedom to review all of the information available to us rather than being constrained.

PAUL MCGRADY: Yeah, thanks, Reg. Yeah, what happens if the party who controls the use of the domain name is unknowable for all kinds of reasons? Then the ADC stops, and that's it. My reading of the change is the same as yours, but I just work here. So let's keep talking. Eberhard, go ahead.

EBERHARD LISSE: I really wonder why we try to define something new. Account holder is defined in the agreement, if I'm not mistaken, as the one who pays. Is

that helpful? The one who pays for the domain, almost all pay via credit card, so there is a way of tracing this.

PAUL MCGRADY: Thanks, Eberhard. In a regular situation, I would say yes, but of course, credit card numbers are stolen, and I've encountered that in my real-life practice where there's some innocent person's name in the record and their credit card was used, and they honestly have no idea what I'm talking about. They've never registered a domain name in their life. And so that's one of the reasons why this, until Marc's proposal, was the entire universe of people that registrars could look into. Marc wants to narrow it. So let's hear from Marc. Go ahead, Marc.

MARC TRACHTENBERG: I don't see that my change narrows it. The rest of the language is still in there, which says, "which may include a registered name holder, account holder," et cetera. So I just thought target was kind of a weird word, that it's not clear what that means. You're targeting the ADC, you're not targeting anyone. All you're trying to do is find domain names under common control, and that goes back to the person that controls the malicious domain name that triggers the ADC. So I don't see my language as narrowing anything. It still says may include all the other things, but the key here is under common control. That's the associated domains. And so the person or entity that is controlling the use of the malicious domain name that triggers the ADC, that's what you're trying to connect to. We don't know who that person is. So again, it still could be any of these other parties. Just "target" is a weird word, I think.

PAUL MCGRADY: Okay. All right. So Marc, does your change do anything that the other language doesn't do other than eliminate the weird word "target"? Because we're at the end of this. What problem are you solving, and how does this solve it?

MARC TRACHTENBERG: I just think that "target" is indefinite and not an appropriate word there. You're not targeting a person, you're just trying to find associated domains, and so I don't think that is the right word. I think my language more appropriately captures what is being accomplished with the ADC. Five out of seven supports on the consensus call or whatever that was over the last week, so.

PAUL MCGRADY: Okay. Martina?

MARTINA BARBERO: Thank you, Paul, and the GAC did not express a position on this because we are kind of ambivalent and trying to understand a bit. We understand that the term "target" is not the nicest term to use here. I see that Reg is suggesting maybe "subject" in the chat. I don't know if that solves it. But also hearing Reg's interpretation that this addition is more restrictive and is narrowing down, that's also slightly concerning for us. So I don't know if there is a way to... I think, Marc, we hear your concern. I just wonder whether we're not going to hurt ourselves by

adding even more terms here rather than leaving as completely open, as much open-ended as possible. So just wanted to leave it there.

PAUL MCGRADY: Thanks, Martina. And if I were a registrar, none of whom are on this call, who wanted to circumvent this entire process, I would say, "Well, the party who controls the use of the domain name is the host." And I would go looking for additional domain names registered by that host, and I would say, "Oh, I don't see any," and that would be the end of the discussion. But IPC's pushing pretty hard for this, so I'm trying to understand it. Marc, if we backed out your changes and put "subject" in instead of "target," does that do it for you? Do we get rid of the weird word? That's hard to say.

MARC TRACHTENBERG: I don't think so. First of all, again, I just don't see how this narrows it. Second of all, subject is the same thing. There's no subject or target of the ADC. You're just trying to find associated domains. Domain names are under common control. And also, this is not part of the policy. We established that the glossary is not part of the policy. It's just some background stuff that we were talking about, so I don't see the harm of trying to be more precise or clear about what we're trying to do here in this glossary because it's not the policy. So that doesn't give these bad actor registrars the ability to make the excuse that you just said, Paul.

PAUL MCGRADY: All right. Erum?

ERUM WELLING: Thank you. So I just wanted to say that we submitted those responses as was requested in the time that was requested after much thought. So I support this change. I think it seems much more polished, gets the right information across. So just because we're not speaking up here doesn't mean that we didn't think about it long and hard before we submitted our responses. So I do support this change. Thank you.

PAUL MCGRADY: Thanks, Erum. All right. Well, this is one of these tricky ones, and we've had one before. I think we need to actually do a roll call. So if I can ask staff, and again, this is not a vote, this is me taking the temperature of the room. Let's have a list of everybody. Maybe staff can just keep track and make sure I hit everybody, but might be nice to have the list. So IPC is for it, Marc's change as written. Registrars?

REG LEVY: Against.

PAUL MCGRADY: Against. Registries?

DENNIS TAN: In favor.

PAUL MCGRADY: RSSAC?

ERUM WELLING: Support.

PAUL MCGRADY: SSAC?

ROD RASMUSSEN: Neutral.

PAUL MCGRADY: BC?

CHING CHIAO: Support.

PAUL MCGRADY: NPOC?

YAO AMEVI A. SOSSOU: Not support.

PAUL MCGRADY: Oh, Reg says, "I don't think RSSAC had a vote." Correct. I think that's right. We're not voting. I'm just trying to figure out where this one is

landing. Whether or not RSSAC has a vote, they will have a voice in public comment. Yeah. So NPOC said support or non-support? I'm sorry.

YAO AMEVI A. SOSSOU: Not.

PAUL MCGRADY: No support. NCUC. Anybody from the NCUC here?

FARZANEH BADII: I don't know if I'm NCUC or NCSG. I'm probably NCSG, Paul.

PAUL MCGRADY: I think you are.

FARZANEH BADII: Yeah.

PAUL MCGRADY: But since you're here, support or non-support?

FARZANEH BADII: I really abstain on this one. I don't think we should spend more time on it.

PAUL MCGRADY: Yep. Okay. So that's neutral. Who did I miss?

GABRIEL ANDREWS: The GAC, sir. I believe we also abstain.

PAUL MCGRADY: Oh, and the GAC.

EBERHARD LISSE: And...

PAUL MCGRADY: GAC. And the CCs. GAC. So GAC.

GABRIEL ANDREWS: We abstain on this issue, sir.

PAUL MCGRADY: Abstain. And the CCs. Eberhard.

EBERHARD LISSE: The ccNSO doesn't have a joint membership here. We are individually appointed, and I have no opinion on this, as we generally tend to do on these things.

PAUL MCGRADY: Got you, Eberhard. I know you and I, we've talked about whether or not there are individual representatives from the CC, and you and I have a disagreement on that, but since you do not have...

EBERHARD LISSE: Yeah, but the Council has... We have met on this with our delegators, and this has been decided.

PAUL MCGRADY: Yeah. Thanks, Eberhard. But since you're neutral on this, it's a distinction without a difference in this particular case. ALAC.

EUNICE ALEJANDRA PÉREZ COELLO: Thank you. ALAC supports the change.

PAUL MCGRADY: And ISPCP. Anybody from the ISP?

ANIL KUMAR JAIN: Yes. We are neutral to this change. Thank you.

PAUL MCGRADY: Okay. All right. Well, this is the chair's job. As I hear it, we have significant number of neutrals and then we have, I think, three groups saying no support, and we have a fair amount saying support. Marc asked, "What was the purpose of our previous support or non-support by email during the week?" It was to express those things, Marc. Not

everybody responded to it, and one of the reasons why we have a call is that we are able to have a fulsome discussion on it. So, if we wanted to do everything by email, that should have come up at the beginning of the working group, and we could've had a whole lot fewer calls. But Marc, I'm sure you don't want to silence any support or non-support here by insisting that it was only by email. But if you do, let me know. But I don't think so. I know you. I don't think that's what you're trying to say. I think you're just a little frustrated. So we'll take that on board. So, this is a tough one, because I don't know what to do with the neutrals. I don't know. Do I put my thumb on them and put the neutrals on one side or the other? I don't think that seems right. So I think it just has to be the people who care. So, I'm going to ask staff, if you could spell out for us clearly where we landed on this one. We have at least three groups against, and how many were for it? All right. Here we go. IPC, BC. Let's see here. IPC support, BC support, ALAC support. And we have one, two, three, four, five. Oh my God. One, two, three. So it's three and three. It's down the middle, with a bunch of neutrals in there that I don't know what to do with. So that to me is split down the middle, isn't overwhelming support. So we're not going to adopt this one, and we're going to move on. All right. Yeah, Volker, I see your comment. "Should we not require a majority in favor with abstains counting as not in favor? At least that is the GNSO way." Yes. If this were a voting exercise, maybe we could develop a plan like that, but this isn't. This is just me trying to get clarity on where the entire working group sort of is landing. The overwhelming majority of people don't care one way or the other, and we're split down the middle between those who do care. So, the goal was to determine whether or not there was overwhelming support for the change, and with a 50/50 split among the people who care, I don't

see it. It's not a vote. It's just a way to take the temperature. We've done that for other things. All right. Let's go on. Is this our last one? I think it might be. Marc, let's hear from you on your proposed change in line 437.

MARC TRACHTENBERG: I almost don't want to say anything to undo the support that we have already on the list. Here, this is just recognizing that even registrars that currently conduct ADC may need to do some additional things to demonstrate compliance because they may not be doing ADC in alignment with what this policy now requires, because this policy didn't exist before. Maybe they don't, but they just may have to. It just depends. The previous language would say that, "Well, you do ADC, that's fine." That they're not going to have to change anything, and we don't know if that's the case.

PAUL MCGRADY: Okay. And so let's go back out to the chart. And we have, if you can scroll down for me, we've got neutral, support. Whoops. We've gone to the wrong column. Can we go back to the right?

JOHN EMERY: Paul, that's going to be on your screen.

PAUL MCGRADY: Oh, it's on my screen.

JOHN EMERY: Yeah.

PAUL MCGRADY: I can't make it shrink, though. All right. Oh, I see.

JOHN EMERY: I think you zoomed in. Yeah.

PAUL MCGRADY: Got you. Yeah, that's my problem, being old. All right. But I can't quite get the next line. I can only see through ALAC, and so I'm trying to figure out how to dezoom.

JOHN EMERY: After ALAC, BC supports and NCSG supports.

PAUL MCGRADY: All right. So everybody is supporting and only one neutral. That's what it looks like? Okay. Reg, your hand's up.

REG LEVY: Yeah. So the text that's on the screen now is not the text that was in the chart that we just looked at. And the registrars are neutral on the chart that we just looked at. But the text on the screen currently reads, "Recommendation 8 and 5 recognize that registrars' records to

demonstrate that ADC obligations have been met," which doesn't make any sense.

PAUL MCGRADY: Yeah, it's a fragment. And so I don't know if there was a last-minute change in that text, but what we're looking at...

REG LEVY: Yeah. So if we're looking at what's on the chart, then great. No problem. Cool. But I want to make sure that we don't move forward with the change that's in the document because it's very different.

PAUL MCGRADY: Yeah. Yes. Thanks, Reg. Good catch. Yeah, we're looking at what's in the chart. I'm not sure. The language in the actual initial report, unless staff tells me something different, is confusing. Feo, go ahead.

FEODORA HAMZA: Yeah, just to note, based on the comment we received in the document, we understood that this was the goal in terms of change, but we would appreciate Marc to clarify. But as noted, if the other section would be also striking out the sentence would not make sense anymore. So, yeah. Please let us know, Marc, if this...

MARC TRACHTENBERG: Yeah. No, my recommendation is what's in the chart. I'm not sure what happened to the document.

PAUL MCGRADY: Great. Okay, great. So it is the chart. Reg, good catch. We're against fragments in general. All right, so seeing only neutrals and supports, this change will be accepted. All right. I think that takes us to the end of the items. And let me see if I can... I wish I had never zoomed in because I don't know how to unzoom. So what's next is, well, I got to be careful because I do think that there is a, before I say it's the last end of the items, Farzi did put a commercial in in one of her prior interventions, and has asked where some language ended up. That particular item, I think, was one that was discussed. This was to change the compromised domain language in Recommendation 1. We discussed it July 13th. The working group didn't accept it. We discussed it again on July 20th. And that was then put out to the list, and that we would make adjustments if NCSG got the overwhelming support it needed. Leadership has not seen that overwhelming support on the list. And so that's why it is not in there. And Farzi, if you have news that there is now overwhelming support for this, let's have it. But otherwise, that change is not going to be in this document.

FARZANEH BADII: Paul, so I think that for other comments, we don't say, "There is overwhelming support, let's discuss it." So let's get a... You do votes for other changes. Let's see what the temperature of the room is for the current language that Michaela has put on the mailing list and see who is for and who is against it.

PAUL MCGRADY: All right. But we've talked about that one three times, Farzi, right? What's different about Michaela's... Is Michaela on the call? Can she talk to us about that?

FARZANEH BADII: No, she's not on the call.

PAUL MCGRADY: What's different? So what's different, Farzi, between what we've already discussed three times?

FARZANEH BADII: She provided a new language that is being discussed on the list.

PAUL MCGRADY: Okay.

FARZANEH BADII: So we want to see a vote on that. Thank you.

PAUL MCGRADY: Well, we're not doing votes. Sometimes I do take the temperature in the room depending on how it goes, so that we have clarity about where people are landing. This is not a voting exercise. It's not what we're doing. But the good news is, Farzi, we have time. So if you would like to champion Michaela's new text, let's get it up on the screen, and you or

somebody else from the group that's sent you here can do that, and then we can have a discussion about it. So go ahead.

FARZANEH BADII: So basically, Ching actually is saying something very interesting and important, and it's exactly how we feel. From the beginning of this group, the moment we were talking about safeguards and remedies and saying that, how about innocent people, like domain names that are not actually perpetrating the abuse, but they are not the perpetrator, but they are swept in or they are hijacked. How about them? What sort of mechanisms do we have to protect them? And the group said that compromised domains are not in scope. But that's not enough to make sure that compromised domains are not affected. So basically, that's why we came up with this language to ensure that it does not obligate the registrar to look at compromised domains. And yes, I totally understand what Ching is saying because we might have to object to the whole policy if we don't see that compromised domains have enough basic support for the registrar to not look at them or differentiate between compromised domains and abuse.

PAUL MCGRADY: Yeah. I'm sorry, Farzi. This is all high-level stuff that we've talked about. Is there specific language that's...

FARZANEH BADII: So the language that we've been discussing, if staff can pull up Michaela's email, and we put it here so that I can read it for you, and we can see what the temperature in the room is.

PAUL MCGRADY: All right. Farzi, go ahead.

FARZANEH BADII: Okay, great. So "when a registrar has actionable evidence that the registered name is being used for DNS abuse as defined in 3.18.1 of the Registrar Accreditation Agreement, and where the registrar has reasonably determined that the domain is not a compromised domain, the registrar must perform an Associated Domain Check." I don't know what the problem with this language is. It's just like a clarification of it does not, the requirement does not extend to a compromised domain. I don't know why the group is... Unless you want compromised domain to be in the remit. That's another thing. Thanks.

PAUL MCGRADY: Yeah. So, we'll open a queue on this. But I will say that this is the opposite of what we said from the beginning, that compromised... We say compromised domain names are not part of the scope, but this is a request to deliver policy specifically related to compromised domains. But I will leave that to others. But again, we're looking for overwhelming support to the change at the last minute. And so I know we have a queue. What would be incredibly helpful is if you support this change... Well, I guess we can just go through the queue. But I'm looking for those

who support this change and those who do not, rather than having another high-level discussion about compromised domain names, which we've said in many places in the document they're out of scope. And we've said that these requirements do not apply. But let's just go through the list. Ching, go ahead. Support, non-support.

CHING CHIAO: Thank you, Paul. This is Ching from the BC. So yes, we do not support the NCSG proposal. Given you correctly pointed out, this is out of scope. Other DNS types also out of scope, so we didn't include other DNS types in the statement. So once again, as I said in the chat, if this is something to be added, then this is a cannot-live-with item for the CSG as a whole. So I just want to let out that. So thank you.

PAUL MCGRADY: Thanks, Ching. Martina, support, non-support.

MARTINA BARBERO: Thank you very much, Paul. And that's a no support from the GAC. We feel the recommendation as it is, it's actually clear. And also we feel like the safeguards recommendation is also clear in this respect, so we would not favor adding this language.

PAUL MCGRADY: Thank you. Eberhard.

EBERHARD LISSE: Like I wrote, terminology is important. Both things, to my view, basically say the same thing anyway, but they shouldn't read domain. They should at least read domain name, but the Registrar Accreditation Agreement talks about registered names. So we should be careful on the terminology.

PAUL MCGRADY: Okay, so I'm taking that as a neutral, but a tweak to the language if we end up accepting this. Eberhard, let me know if I got that wrong.

EBERHARD LISSE: Sorry. Both recommendation, the proposal and the preliminary recommendation use the word domains. I would look at that from a wordsmithing point. Otherwise, for me, it's the same anyway.

PAUL MCGRADY: Right. Mary.

MARY PENN: Yeah, so the IPC does not support that language change. And I think the discussion on the mailing list, at least my contribution surrounding how that determination was made as to how we know a domain was compromised and not within scope. So it wasn't suggesting a change of the current language. It's just having some clarity on how we're making that and ensuring it's done by objective and technical measures rather than kind of gut or instinct checks by registrars.

PAUL MCGRADY: Thanks, Mary. Erum?

ERUM WELLING: I think Mary put it very clearly. I also support not changing it. So don't change. I like the original. I like the fact that it's broken up into two sentences, adds clarity to the whole, what is being conveyed here. Thank you.

PAUL MCGRADY: Thanks, Erum. All right. So there's a parade of non-support. We've heard from the NCSG, and I'm assuming that its elements support. Anybody else want to speak in favor of the change? Okay. All right. The change does not win the day. We will keep the language as is. All right, next steps. Next up is staff will update the initial report based upon our discussions today. Staff will share that updated report and finalize after the working group call. They say today, great. Leadership, that's Nick and me. We will send out a consensus call email today sometime with some more detail about how consensus call worked. Nick covered a bunch of it. But there will be even more detail in there. So, your homework is to review the consensus call email and follow the instructions. And I think that may be it. Under any other business, I don't know of any other business. And so, staff, specifically Feo, who is a borderline, what's the word I'm looking for? I think I call this the revenge slide because I made a comment about GIFs before. Feo put together this wonderful celebration slide for us, so that's great. I'd like to thank everybody for their hard work getting us here. Jothan, more cowbell. For their hard

work getting us all here. It was a series of compromises. As Nick said, hopefully nobody got everything they wanted. That is the nature of ICANN work. And we will move now into consensus call and then public comment. And unless I am reading it wrong, I think the next time that we are together, and staff please correct me immediately if I'm reading it wrong. But the next time I think we're all together as a group, we'll be in Bali. So we'll all get a nice break from each other. And we'll see what the public thinks about our work here. We moved deliberately with haste, but I think with quality. And my vice chair, Nick, is amazing, terrific. It's been a blessing, frankly, to be able to lean on him. And so thank you, Nick. Staff, you, just amazing. You killed it all along the way, keeping us on track. So, thank you all. Look for emails, and we'll reconvene in Bali. All right. Thanks very much. Y'all have a good day.

**[END OF TRANSCRIPTION]**