
JULIE BISLAND:

All right. Thank you, everyone. Good morning, good afternoon, and good evening. Welcome to the DNS Abuse Mitigation PDP-1 Working Group call taking place on Monday, the 22nd of June, 2026. For today's call, we have apologies from Matthew Thomas, SSAC, and the alternate replacing Matthew is Gautam Akiwate, SSAC. Statements of interest must be kept up to date. Please raise your hand or speak up now if you have an update to share. And I'm seeing no hands. All members, participants, and alternates will be promoted to panelist. Please watch your screen for the prompt to be promoted. Observers will remain as an attendee and will have access to view chat only. All documentation and information can be found on the wiki space. Recordings will be posted shortly after the end of the call. Please remember to state your name before speaking. 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. Thank you. And over to our chair, Paul McGrady. Please begin, Paul.

PAUL MCGRADY:

Thanks, Julie. Good morning, everybody. It's a rainy day here in Nashville, and I'm told that the rain will stop in two to three business weeks, so that's the season we're in. Hope it's lovely wherever you are. Let's go ahead and just jump right in here. We have some PDP updates, and then we will get into the pending "cannot live with" or "can live with, would like to see a change" item. Let's move on to the next screen if we can. Yeah, here we go. So where are we? The previous preliminary

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Recommendation 7, which was a list of topics for Council consideration, has been removed. And instead, we will be sending those lists of topics to Council through our Council liaison, Jen. And so staff has collected those topics proposed so far by the Working Group. The list spells out the topic. Oh, I'm sorry. I didn't turn on my camera yet. There we go. Let's do that. That's fun. The list spells out the topic, explains the issue to the extent that we have developed that issue, provides the rationale of why it's being sent to Council rather than dealt with as part of this PDP. So that list will be coming, and y'all need to give that a good look. We have an important public service announcement. The list should not be a wish list of potential topics. These are things that have come out of our deliberations. We should not be redundant with anything that's already in the issues report. Council knows about those. And we should, again, really focus in on what's come up in our PDP, rather than viewing this as some omnibus way to get things in front of the Council.

All right, let's keep going. All right, so we actually have them spelled out here, so we'll walk through them. Limited transparency and DNS abuse mitigation actions taken. And the rationale for that is discussed during the Working Group meeting, was considered out of scope for this PDP. We discussed more transparency on mitigation actions taken is appreciated. Second item, lack of standard dispute recourse mechanism for registrars for mitigation actions taken in response to DNS abuse. This also was discussed during Working Group meetings, also considered out of scope for this PDP. Recourse mechanisms do not exist. The Working Group discussed that these should be further discussed by Council, but not by us. Third item, lack of registry-level abuse pattern investigation and mitigation requirements. And we need a rationale from the

Contracted Parties House on that one. The development of framework of cross-contracted party information sharing regarding detecting abuse patterns and lack of cross-registrar intelligence sharing. I'm not super sure how that's different from the item above, but the registrars and the BC should be working up a brief rationale on that. There is the topic of more data from registrars to enable evidence-based policy development, compliance, enforcement, and best practices. With this one, we are looking to the GAC to provide the brief rationale for us to look over. That is where those stand. Feo, your hand's up, and maybe you can talk about how we're going to do that. I don't know that we're going to walk through those. Oh, I guess next step slides will tell me that. But Feo, go ahead.

FEODORA HAMZA: Yes. Thank you, Paul. Can we just go back to the previous slide?

PAUL MCGRADY: Sure.

FEODORA HAMZA: Yes. Just to note, we've taken the GAC input from the GAC issues of importance, so from the GAC Communiqué from Seville, and it's included here as well. For instance, the-- Yeah. But as you can see here, we will provide a dedicated document where the Working Group can review and provide the comments, and ideally provide some description to the issue mentioned here, because it was not necessarily clear what it entails. And some, as you see in the table, especially the third one,

have two that look similar or could be interpreted as similar, but we were not sure. So hence, we would need some further input from the respective groups. Yeah, just wanted to add that, and then we can go to the next steps, John.

So yes, as explained, we will put this in a more user-friendly format for the Working Group to provide feedback on. And Paul was about to note that this would initially be presented to Council during the PDP update during its next July meeting. However, we would also consider then providing that more comprehensive document via Jen when the initial report is ready, so in case something else comes up. I hand back to Paul.

PAUL MCGRADY:

Thank you. So, there's a queue that's formed on this, which is sort of the pre-reason why I'm about to say what I'm about to say. Which is, this is not meant to be a list that we negotiate over, to make sure that everything that goes in has Working Group consensus around it. We don't need Working Group consensus around it to say to Council, "Here's some ideas that came up, but they were out of scope, and we think you should look into it." And so if, for example, the GAC puts a rationale up here that somebody disagrees with, and they want to put in an alternative rationale, that's great. But what we're not going to do is lose months and months and months negotiating over things that are out of scope. And I hope that it provides some relief for people. And if there are people who wanted to spend months and months negotiating over things that are out of scope, I am sorry to disappoint you. All right, to the queue. Michaela, good morning, afternoon, or evening, depending.

MICHAELA NAKAYAMA SHAPIRO: Afternoon from a heatwave in London. Michaela, for the record. I just wanted to better understand the logic of it being out of scope for the PDP, the first two items there on limited transparency and lack of standard dispute recourse mechanism. Did I understand correctly that it's out of scope because it would be duplicative because it's already in the final issue report? And the idea is that this won't be struck out, it'll be presented as such, like the concept that there was discussion on the topic of limited transparency and some interest in discussing further. Is that what will be conveyed to the Council? Is that right?

PAUL MCGRADY: Yeah. So Michaela, it's both in the final issues report and it's out of scope for what we're doing, right? We are not the DNS Abuse Mitigation Action Transparency PDP, right? We're not the standard dispute recourse mechanism PDP. It's something that is important enough to have ended up on this chart that we've discussed, that we think should end up prompting Council. In terms of the rationale, again, it's great if we can congeal around a uniform rationale, but I don't intend to spend any time negotiating over that. And so if people want something in that rationale that's not here, and after a very lightweight attempt to get it in, then we'll just say, "Oh, well, here's the rationale, but here's what..." I don't want to pick on any particular party, so I'll pick on the SSAC. Right? But the SSAC says, "But also think about this." Right? You know what I mean? And so that's how these will end up looking, just so that they don't become a litigation. It doesn't make any sense for us to say that's out of scope for our PDP only to then negotiate over something

that's out of scope, right? This is a list of really good ideas that we think deserve more light. That's it. Yeah. And that's why it's no longer a recommendation. It's an informal way of communicating this. If it becomes unwieldy, then your chair may just say, "Oh, well, all this stuff's out of scope. Moving on." So let's not make it unwieldy, if that makes sense. So I'm trying to manage everybody's expectations about how lightweight this is going to be. This is going to be lightweight. Martina. I can't hear you, and I don't know if that's me or you.

MARTINA BARBERO: Does it work now?

PAUL MCGRADY: Oh, now you're here. Yay.

MARTINA BARBERO: Yes.

PAUL MCGRADY: All right.

MARTINA BARBERO: Well, no headset then. Sorry, I'm in the dark because we're in a heatwave as well, and we fight it with the dark. Just to say, because there's the point about GAC to provide further input on the last point, and I appreciate that it was taken from the GAC Communiqué. And just to explain very briefly, this is something that the GAC has been saying in

a couple of communiqués previously. It's basically to say that, as a matter of practice, we want to make sure that we develop policies that are based on evidence. And sometimes, despite there is evidence on abuse and there is Domain Metrica and other tools, we feel sometimes that there are some arguments around which data is reliable and there could be more data. So this is a point that the GAC has been trying to repeat a few times, that the more data we gather directly from the registrars that fight the abuse, the better it is. But I don't think we need to fight over this thing in the context of this PDP. It's a broader point, so I just wanted to highlight that.

PAUL MCGRADY:

Thanks, Martina. I love the video feed as it's coming through from where you are, because it kind of looks like you're in the International Space Station or something like that. I love it. Farzi, good morning in New York City. Farzi, your hand's up?

FARZANEH BADI:

Yes.

PAUL MCGRADY:

There you go.

FARZANEH BADI:

Yes. Good morning, Paul. I am not quite sure that I agree with you on your answer about transparency and remedy. So basically, remedy, there is language in the question of the charter that the group has to

consider remedy. I cannot quite remember the exact language, so we can't say that that's out of scope. So we need to discuss that. As to transparency, we've actually made some progress, I think, during our meetings in Seville that discussed transparency, and there are various types of transparency that we can discuss during ADC. So you could say that some elements of transparency could be out of scope or could be discussed in other PDPs, and some elements of remedy can be discussed in other PDPs. But we don't accept that it's out of scope, because we've been having conversations about them and actually, the group was really getting to a good conclusion on how we address transparency and remedy. So I think that the wording here especially is not for transparency and remedy. We cannot accept that it's out of scope.

PAUL MCGRADY:

Thanks, Farzi. I would just redirect you to the topics themselves because that refers to mitigation actions taken, not to ADC checks. And so, again, we are looking at ADC checks. We're not looking at mitigation actions. Mitigation actions, from what I understand, are what happens after the investigation is done. The registrar has the report of the abuse. They look into whether or not it's actually abusive or maybe an abusive complaint. If they determine that it's actual DNS abuse as we define it as a community, then there's some action taken. As part of that investigation, they do the ADC, they do the associated domain name check to see the scope, the volume of the problem. And so if that abuser has more domain names involved than just the one that was reported, then a mitigation action may be taken against the full set of domain names that are then known. But again, that's a mitigation

action. That's not an ADC. And so I agree with you that we have some language around transparency and what happens if there's a false positive or what happens if there's some sort of abuse of the ADC check or more misguided application of it, but that's not what these two line items are talking about. Would you like to speak again, Farzi, or are you comfortable with that response?

FARZANEH BADII:

No, sorry, Paul. I don't agree with-- We are not trying to say that, first of all, we have provided arguments that we should not only have a remedy for mitigation action, but also at the investigative stage, there should be understanding of remedy as well. So now how we want to do that, that's another issue. But saying that remedy is out of scope for ADC, it worries us. We can say that remedy can be addressed in other PDPs, and we can also say that if there are other-- I think it's just a little bit premature to just declare that remedy is out of scope. All kinds of remedies are out of scope for ADC. And so we can also say that we have discussed this during the PDP, and we have decided, and it's not out of scope, but we have decided that we are going to address the remedy elements in other PDPs. And also if possible, we need, although NCSG doesn't agree that remedy should not be addressed. So that's another thing that we need to separately put a statement up. And for transparency, as I said, transparency is exactly the same as remedy, like transparency of a few things that we talked about, like the actions that are taken and stuff like that. It could be in best practices or we can address it in other ways, but it's not that it's out of scope. Because out of scope here kind of communicates that it's not related to ADC, which

we don't agree with. So it's just a matter of also the wording and calling it out of scope that worries us. Thank you.

PAUL MCGRADY:

Okay. Well, all right. I don't know what to do with that because the topic titles clearly say it's about mitigation action, not sending anything about ADCs out of scope. But this will appear as some sort of document for the community to work on, and you can put things in rationale. All right. Feo, then Volker, then we're going to call it on this because we had 10 minutes, and we're over. Go ahead.

FEODORA HAMZA:

Thank you, Paul. Just to address some of the questions in the chat. So this list of topics is not meant to show what topics are not important. It's just to note that these topics came up during the PDP and are out of scope for this specific PDP, but might necessarily be addressed at a later stage. So the rationale that Farzi provided and others can definitely be included in this document to note that during discussion this came up. But it should be further looked into more holistically for this and this reason. So that's why we've put it up here, and that's why we need Working Group input to make it complete and for the Council to be able to understand why the group is proposing this and why it matters. So it's not meant to disregard or discard anything. It's just to provide more input that the Council can use when they discuss the follow-up DNS abuse topics. And this from the Working Group could help further. So the rationale here is very brief. It's not meant to be comprehensive. It was just to show how this could look like, and we will provide a

document that will take into consideration what was discussed today and the Working Group can review. Thank you, and back to you.

PAUL MCGRADY: Thank you. All right, Volker.

VOLKER GREIMANN: There we go. Yes. Volker Greimann speaking for the record. I absolutely agree with the decision that this is out of scope, simply because of the reason that the question here that is before us, if there are any special rules that should be done for ADCs. I don't see any reason why ADCs should have different notification schemes than regular abuse investigations or complaints or actions that are taken. So in the context that we're dealing with a very limited scope of associated domain checks and taking action in the context of the regular obligations, I think this belongs with the regular obligations and not specifically with the ADCs. It's a rabbit hole that we could probably spend hours digging down but will not advance the actual topic of this discussion. Therefore, I support the decision made. Thank you.

PAUL MCGRADY: Thank you, Volker. Okay, let's move on. Update on pending "cannot live with" items. All right. So here is thing one. The GAC highlighted scenarios where domains are used intermittently for abuse or malicious activity. I'm sorry. I'm not reading it correctly. The GAC highlighted scenarios where domain names are used intermittently for abuse or malicious activity may be active only briefly. The concern was that ADC

obligations could be circumvented by claiming the domain name was not abusive at the precise moment reviewed. We discussed this. Working Group members recognized the concern but noted one should avoid creating obligations based upon speculative future use. Working Group members are to provide alternative language they can live with that covers language to address established abuse patterns and intermittent abuse scenarios. Here's some proposed language. Abuse reports submitted to a registrar should include sufficient information and evidence to support the reported allegation of DNS abuse. Where the reported abuse is intermittent, recurring, or otherwise not continuously observable, the report should include evidence reasonably demonstrating the pattern of abusive activity. In other words, the registrars don't have to spin up an investigation company to go and monitor it for intermittent abuse. If a reporter has that abuse, they should turn it over. So, the "cannot live with" item relates more to how actual evidence is considered rather than the ADC trigger itself. The proposed language in rationale or implementation guidance clarifies the GAC and Working Group concerns and expectations. Working Group members noted that the update on past and future abuse patterns should be considered for the whole DNS Abuse Mitigation Advisory. So, this one, I guess what we need to do is dig into the proposed language. One, does it solve-- Okay, we have more. Sorry about that.

This is from the registrars. "The phrase 'is being used for DNS abuse' is not limited to abuse that is active at the time of review. For purposes of triggering an associated domain name check, registrars may rely on actual evidence of current, recent, or otherwise well-evidenced DNS abuse, including where the domain is no longer active or the abuse

activity has ceased. Such evidence serves only to trigger the ADC and does not by itself require action against the registered name or any associated name." Right? So that last part, that last sentence just indicates what we were just talking about, which was that the mitigation actions are not what this PDP is about. It's about the ADC check, so that makes sense to me, may not make sense to Farzi. So, I guess the question here to the GAC, and I see Martina's hand's up, so that's good. The GAC is, does this satisfy your concern? And since this is registrar language, I guess for everybody else that's not a registrar, does this cause any concerns, any unforeseen problems that anybody would like to discuss? So let's do a queue on this. Martina's first. Go ahead.

MARTINA BARBERO:

Thank you very much, Paul. First of all, I would like to thank you, the registrars, for suggesting some language. We received it on Friday, and we were not aware that the PDP team would also propose some language, so we were getting ready to comment on the registrar language. But now we have two alternatives, right? So, I can tell you what we were thinking for the registrar language, and then we might need further time to consider the alternative. But I think on the registrar side, actually, their suggestion is in two parts. So they suggest a modification to the recommendation itself, and then they suggest the implementation guidance. If I remember correctly, they suggest adding, I'm checking my notes, in the recommendation itself, they suggest adding, "Giving rise to a reasonable belief that a registered name is being used for DNS abuse." So if my understanding is correct, there are two things. So there is this addition to the main recommendation, and then there is the suggestion to put this text in the implementation

guidelines. So as a GAC, we wanted to first ask the reason and the rationale behind this addition in the recommendation itself, because that would be useful to understand where does that come from. And then we didn't have a lot of time to prepare, but we set up a call on Thursday to discuss internally, so we hopefully can provide you our full position on those things on Monday next week. But already getting this input on the modification to the recommendation would be very helpful for us to prepare that discussion. And otherwise, again, thank you for holding the pen. We were trying to draft some text, but you anticipated us, and that's really appreciated. But I don't know. I can copy-paste the text of the recommendation in the chat if that helps. But maybe, I don't know, Reg or Volker, if you want to explain the modification in the recommendation itself, that would be helpful. And why do you think it would be better to put the rest in the implementation guidelines, of course.

PAUL MCGRADY:

Thanks, Martina. Maybe staff can grab that language and put it into the chat. I think that ultimately, at the end of this discussion, staff may put together sort of a synthesis language for the GAC to consider, and we'd ask staff to do that quickly because you guys have a meeting on Wednesday to think about. But I want to walk through the queue so that we have the full sense of where people are landing on this. We'll have Marc. Go ahead.

MARC TRACHTENBERG: So my question is really about this last sentence. "Such evidence only serves to trigger the ADC and does not itself require action against a registered name or any associated domain," seems to be maybe logically inconsistent with where we landed in the recommendations. The recommendation is that where there's actual evidence of DNS abuse, which requires mitigation action, that triggers the ADC. Here we're saying there's something else that triggers the ADC, which I thought was actionable evidence, but here the actionable evidence does not require mitigation action. So that seems to me to be inconsistent with the current DNS abuse amendments or what's in the RAA. How could it trigger the ADC but not trigger mitigation action?

PAUL MCGRADY: So Marc, it's circular in my head, and I apologize that it's so early. What's the language here that you would like to see changed?

MARC TRACHTENBERG: It just doesn't seem to me to be logically consistent to say that you have actionable evidence of DNS abuse, which is the trigger for the ADC, and that actionable evidence of DNS abuse requires mitigation action against a domain name. But here we're saying there's something else that requires the ADC to be triggered. It seems to me like that's not actionable evidence. What are we saying here? This is not logically consistent with the recommendation as it currently stands for what the trigger of the ADC is. We're saying there's something else that triggers the ADC that's not actionable evidence of DNS abuse, or we're saying it

is actionable evidence of DNS abuse, but now somehow it doesn't require mitigation action. It's not logically consistent.

PAUL MCGRADY:

So I guess, I'm sorry, Marc, and I don't mean to be daft. So is the IPC arguing that whenever an ADC is triggered, a registrar must take mitigation action? Because that's pretty far from the railroad we've all been going down.

MARC TRACHTENBERG:

It's the registered name part. No, it's not different because if you have actionable evidence of DNS abuse, which is the trigger for the ADC, the registrar is required to take mitigation action against the registered name. Not necessarily any other associated domain name, but the registered name itself. When you have actionable evidence of DNS abuse for a registered name, the registrar must take the appropriate mitigation action. That's in the current RAA. That's what the obligations are. Right? Do you agree with that part?

PAUL MCGRADY:

I don't know. I don't have the RAA up. So again, I guess I keep going back to what's the ask here? Because a reporter may believe that a domain name is being used abusively. The registrar may believe that evidence is sufficient to action, to look into it, right, for possible mitigation. That would trigger the ADC, but I don't know that there is a contractual obligation to take a mitigation action just because there's enough evidence for a registrar to act. In fact, I think it's the opposite,

but like I said, I don't have the RAA up. So again, it's not clear to me what the IPC is advocating for here. And so if you want to, we'll give you another bite at the apple after we hear from Reg. And then if not, we need to move it to some sort of written form so that we can maybe, if we see it in writing, maybe we can understand what you're asking for. Reg, go ahead.

REG LEVY:

Thanks. This is Reg Levy from Tucows for the registrars. So we offered this because the GAC was saying that they wanted "is being used," "has been used," "may be used," just sort of all of the uses from now until eternity. And so what we wanted to say is, look, "is being used" or "is used" can encompass that entire universe of possibilities. Was used in the past, can be used in the future, that there's some kind of evidence there about the usage of this domain, that it's not time-bound. It's not right in this instant when I look, there's no use, but rather there is some evidence of use, past, present, or future, and that that is sufficient for us to perform an ADC. Now, to Marc's point, it may not be current, in which case there may not be mitigation action to be taken because maybe the mitigation action was already taken. This was something that the GAC raised as well with regard to the fact that, okay, mitigation action was taken by, for example, the hosting company, which is appropriate. And so the DNS abuse does not currently exist, but we see the evidence and we see the mitigation action, so it's reasonable for us to go and look some more. And so that's what we're saying, that the mitigation is not a piece of this, but the ADC is, and we're willing in this circumstance to say that where there is adequate evidence, we will conduct an ADC because past, present, and future, there may be some

DNS abuse associated with this domain, and it's reasonable to look into that. But that's why the mitigation piece is not there, because it's possible that mitigation may already have been done, or the mitigation isn't appropriate because there's no DNS abuse there. But because there was evidence, we can go look for other domains.

PAUL MCGRADY:

Thanks, Reg. That makes sense. Marc, go ahead.

MARC TRACHTENBERG:

So first, I just want to say that I appreciate the efforts made by the registrar constituency in doing this, and I also agree with the outcome. So it's not that I don't agree with the outcome. I agree with the concerns of the GAC, as I said during the meeting, and I agree with the outcome. I just think it's maybe not so logically consistent and that this might be better addressed in guidance from compliance on what "is being used for DNS abuse" means. But since it accomplishes a goal I agree with, I'm not going to waste any more time, I guess, addressing this. I just think it's logically inconsistent. That was my point. So I guess if other people are happy with this and it achieves the goal, there's nothing more to discuss.

FEODORA HAMZA:

Paul, we can't hear you. We still cannot hear you, Paul. Or maybe it's just--

PAUL MCGRADY: Yeah. Okay.

FEODORA HAMZA: Now you're back.

PAUL MCGRADY: I'm back? All right. Technology. Here's the section I think that Marc is referring to, 3.18.2 from the RAA. Let's go back a slide, because I do think that the proposed language from the leadership team may sidestep this issue, but it may not be sufficient for the registrars. Abuse reports submitted to a registrar should include sufficient information and evidence to support the reported allegation of DNS abuse. Where the reported abuse is intermittent, recurring, or otherwise not continuously observable, the report should include evidence reasonably demonstrating the pattern of abusive activity. This language does not get us down the rabbit hole about mitigation action. This just has to do with what the reporter should include. If they're going to make an allegation that a domain name has been used for domain name abuse, they should give sufficient details to the registrar to act on that. So, I think I'm understanding what Marc is saying, that it is circular, right? If we have actionable evidence doing the trigger and then under 3.18.2 we have actionable evidence, then there's a mitigation action that's required. I get it, but again, we're not the PDP looking at DNS mitigation actions, right? So we're trying to keep this in scope. So maybe next steps, and if anybody objects to this, is for the staff to listen to this discussion again and try to smush these two together and come up with something, get it back out to the group as quickly as we can, the

leadership team and them, and in time for the GAC's discussion on Wednesday, but also for the registrars to consider to make sure that nobody accidentally pushes the olive branch back in their face. The registrars have been kind to come up with the language, and I want to honor that. So unless there are more hands, let us move on to the next thing.

All right. This is one where the IPC noted that they would like the reasonably accessible data definition to be moved from implementation guidance up to the policy recommendation language itself. I understand the registrars and the IPC had a call about this, and I got an email update saying that we should expect more on that, I think Wednesday. And I was hoping that somebody, either from the IPCs or the registrars, could give us an update on the conversations and where they're evolving. Natalie, please go ahead.

NATALIE HOWATSON:

Hey, Paul. Hey, everyone. This is Natalie Howatson from the registrars, for the record. Yeah, we did have our call on Friday with the IPC folks that came and joined our regularly scheduled internal Registrar Stakeholder Group call about the ADC PDP. And we tried to understand both sides, where the other was coming from, and I feel like we definitely need to continue talking a bit more about this before we get anything resolved. The registrars committed to sending some proposed text over to the IPC by Wednesday, so hopefully we can have more information for you then.

PAUL MCGRADY:

Okay. So, I think that's great, and I want to give peace a chance. I also don't want us to lose weeks and weeks on, actually, frankly, on either of these two topics. And so hopefully we can continue to make offline progress on those. And in the meantime, staff will make those two things footnotes in the draft report, and we will get to work on going through the draft report, and hopefully these two last items show up on time. If not, we'll have to figure out what to do with them at the time, but let's give peace a chance. All right. Unless there's more hands on this one. Great. Yeah, Reg, I see you in the chat. I know you want to reject the implication that we're losing weeks and weeks. I didn't say we are losing weeks and weeks. I said I do not wish to lose weeks and weeks on this, and there's a difference. So I would like to be fairly represented in the chat, even though I can't always stop and put my representation of what I said into the chat.

All right. So let's go on to the NCSG added language to Rec 3 that an ADC is not to be confused with a general audit. We had a good talk about this, and the proposed language that came up with our, here, "The Working Group intends that ADCs remain evidence-driven and proportionate. The recommendation is not intended to require registrars to conduct portfolio-wide audits as a matter of course. At the same time, the Working Group recognizes that the facts of a particular case may justify a broader review. Accordingly, the recommendation neither mandates nor prohibits a more comprehensive investigation where such action is reasonable and proportionate under the circumstances." All right. Any questions or comments about this draft rationale? Does it scratch the itch from the NCSG? Does anybody have any problems with it? Farzi, go ahead.

FARZANEH BADI: Hi. I'm not so sure if it scratches any itch, really. So your argument, the Working Group argument, is that the proportional language just solves the issue and we don't have a point here. And that we don't need to make any language changes because proportionate is clear, and if all these registrars are going to-- So this language that we came up with and we suggested is just to ensure the narrow scope of the actual ADC, so it doesn't lead to profiling. And I think that it does provide some more clarity in what we mean by proportionate. So, I don't know what the solution that is provided here is that the word proportionate addresses all that. I mean, we have to talk to NCSG, but we don't think that it solves the problem. But if you don't feel like you want to put that in part, maybe we can put it in the implementation guidelines. I think that was suggested before. And I think Yao can provide more information on this.

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

MICHAELA NAKAYAMA SHAPIRO: Thanks, Paul. Michaela, for the record. So I believe, if I understand correctly, this bit about what's being addressed here when it comes to defining proportionality was more in reference to what we had proposed on narrowly scoped. So we had put a few different bits of language in that recommendation, right? So one was the addition of narrowly scoped, which I think here very well addressed by a clear definition of proportionality, as Farzaneh mentioned. But I'm in

agreement with Farzaneh that I don't think that actually addresses the concern about it being a general audit. So I think we're talking about two different pieces of language here that were both different elements of our recommendations to the group. But yeah, very happy to hear from others on this. And again, to Farzaneh's point, if it goes better in a different section, that's also something we can discuss.

PAUL MCGRADY:

Thank you. All right, Brian?

BRIAN CIMBOLIC:

Thanks, Paul. Hi, everyone. So just I think one of the things that we discussed here was that I think it was Thomas that really leaned into the fact that proportionate can do a lot of work here. Insofar as the example that I think we discussed was if a registrant has five domains, and one of which was engaged in phishing clearly for malicious purposes, it's not disproportionate to look at the other four domains in the registrant's account. And so if that counts as an audit of the entire account, that's a proportionate response. That a registrar should be doing that, frankly. If, however, you're looking at a reseller level and you have Wix as the account, well, checking the entirety of all of Wix's registrations would be disproportionate. So I think that we have to leave some room in just the same way that we have reasonable and prompt throughout the agreements. I think proportionate needs to be here to allow for that flexibility, understanding against the concerns that you're talking about. But to say an audit of a registrant account is always going to be disproportionate, I think is just flatly wrong.

PAUL MCGRADY: Thanks, Brian. I think maybe we can see, maybe staff in the background, you guys can furiously put together what this would look like, this rationale, along with the actual text of the recommendation, to see how they look together. That might help with this. Reg, go ahead.

REG LEVY: Thanks. And I don't read the NCSG's concerns as indicating that the registrar ought not conduct, in certain cases, a so-called audit of a reseller account, but rather that ICANN not be conducting a general audit of the registrar with regard to looking into whether or not an ADC was conducted, mostly because the word audit, like I would never say that the ADC that I conduct when I'm looking at a reseller's domains would be an audit.

PAUL MCGRADY: Got it. Yeah, that's a legal word. Maybe we should focus in on that word, as maybe there's a better word out there that captures the NCSG concern. Farzi, go ahead.

FARZANEH BADII: So I just think that, I mean, I don't think we should reframe our, like others, intervention and assume things. So we never said that it's not proportionate if they look at other domain names. But we have also been very vocal on what the risks are when if they do a broad audit of the domain name registrant profile. And we have enumerated the problems that could come with it in scenarios on the mailing list with

the hopes that you engage with them. And so basically, this language that we came up with is a compromise that creates this kind of-- It reduces the risk of the registrar feeling that they are obligated to look at 1,000 domain names. And we have mentioned what the problems are when you obligate a wide profiling of the registrar. It can implicate other registrants. And we are coming up with a policy about this, and we are going to contractually obligate the registrars to do this. So we need to do it carefully, and we have made the examples of what can happen. So I think that we can be flexible, but proportionality here, I think that it can be very much defined and clarified by just saying that it should not lead to a broad audit of the whole domain name registrant profile. Thank you.

PAUL MCGRADY:

Thanks, Farzi. Martina, go ahead.

MARTINA BARBERO:

Thank you, Paul. I wrote it in the chat, maybe it's easier to say it. I think we are talking-- I'm hearing two different interpretations. I'm hearing Reg saying, "I don't call my reviews audits." So maybe what the NCSG was meaning was that ICANN Compliance cannot request registrars to carry out very extensive reviews. If in the audit of ICANN Compliance, that cannot be overly done. And then I hear Farzi saying that she's speaking about how the registrars review their accounts. So I think we are on two different tracks here and would be glad if we could clarify what are we talking about. Because from the GAC perspective, the new language, the rationale, it's okay, but it addresses indeed audit

understood as the registrars doing the review. So if now it's ICANN Compliance, that's a different story. So I think, but in that sense, maybe it would be nice if we could check with the registrars which term they use, because if they don't consider their work as an audit, then it becomes unimplementable for everybody. So I think we might be-- Yeah. We have a terminology fight at the moment, I guess.

PAUL MCGRADY:

Yeah, Martina, thank you for that. I'm sort of surprised to hear that we are talking about ICANN audits in this context, because everything up until now, I thought we were talking about what the registrar does, not what ICANN Compliance does to the registrar. And so is it something like, is not intended to require registrars to conduct a portfolio-wide review as a matter of course? And then if that's what we're trying to say, then I think we need to understand whose portfolio. Is it a registrant's portfolio of domain names, or is it the registrar's entire portfolio of domain names, right? I'd like to understand what that means in this. Because again, if there are five domain names and the abuse is bad enough, then looking at the entire registrant portfolio of domain names, that seems proportional. But if there's one bad domain name and the registrar then digs through every single domain name in that registrar's business, that doesn't seem proportionate, right? So I just think that this-- I think we can tighten up this language and get there fairly easily. And if anybody would like to advocate for this, talking about what ICANN does to the registrar in ICANN's audits, we can talk about that, but I think that's really a new topic. I don't think that's what we've been talking about. At least that's not what I thought we were talking about. All right, Michaela, go ahead.

MICHAELA NAKAYAMA SHAPIRO: Paul, I appreciate you giving me the space to come in here. So I actually do think it is more a linguistic issue here, perhaps, and I will caveat this with, I'm of course not a lawyer. That being said, I think the key concern here is what others have already reiterated, which is about the scope and preventing overreach in the ADC investigation itself. When we've mentioned ICANN Compliance, it's more about how will ICANN Compliance be implementing kind of-- how will they gauge proportionality when it comes to the implementation of this? So perhaps that is where the kind of implementation guidance, that's the right place to go. I'm very open to negotiating on kind of the exact language we use here. I'm not tied inherently. I don't think the NCSG is inherently tied to the language of conducting portfolio-wide audits. That being said, the idea here is really about having clarity on proportionality here, and I hope I didn't make it more confusing there. But I think what I'm trying to say is I think we are on the right page, that it's more terminology question, and perhaps Reg will be able to save me from stumbling more.

PAUL MCGRADY: Thanks, Michaela. Reg, please go ahead.

REG LEVY: Thanks. So I see the discussion outcome as indicating that proportionate may be sufficient. Is it to the NCSG?

MARTINA BARBERO: No.

MICHAELA NAKAYAMA SHAPIRO: Is it okay if I take the mic?

PAUL MCGRADY: All right. Yeah.

MICHAELA NAKAYAMA SHAPIRO: No?

PAUL MCGRADY: Farzi, I got to keep control of the queue. Reg, I will ask somebody from the NCSG to jump into the queue to respond to Reg's question. I'd also like to hear from somebody in the NCSG, when we look at the word portfolio-wide, whose portfolio are we talking about? That would be helpful. I think there's a missing noun that might help clear this up. And also from the NCSG, any objection to swapping out the word audit with review? Or some other word that has a similar meaning but doesn't trigger that, that we know what audits are in ICANN land, right? So maybe there's a better word to use there. So hopefully we hear from somebody from the NCSG. Gabriel, go ahead.

GABRIEL ANDREWS: Yeah. It's Gabriel, for the record. I think that this sort of discussion is going to be very well-assisted by treatment of specific scenarios in the implementation guidance. And I think, Paul, to your question a second

ago about which portfolios are being reviewed, I can think of scenarios that would make reviews at the registrant account level make sense, or even across multiple accounts make sense. And I think that a lot of it comes down to the specific circumstances associated with the abuse report that's being reviewed. If there's evidence, for example, of abuse where the bad actors are registering domains from a particular IP address over a certain time range, I think it would make a lot of sense for the registrar to look at, hey, how many accounts were created in this very narrow, time-bound window from this one specific IP address if it's already well-evidenced that that's what's occurring, right? So you can have different scenarios justify a review of different levels of portfolio, but this will be very much easier for us to discuss and to understand the reason why that is or is not reasonable if you look at specific implementation scenarios so that we can actually talk about what's happened in the real world and have clarity as to why it's important to do that at which times. So I really like the language about what is reasonable and proportionate under the circumstances as it stands right now, but I think that we could actually really maybe dig into this a bit more in a meatier fashion with implementation examples in the future. Over.

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

BRIAN CIMBOLIC: Thanks, Paul. Yeah, just pointing out I still have some concern about, we have a picket fence issue as far as we're now not saying how ICANN can

enforce this, but how a registrar conducts its anti-abuse practices and what's allowed and what's not allowed. I don't think we want to be in a place where we're telling a registrar that it can't be expansive in looking at anti-abuse. I don't think that's a good look. I don't think that if a registrant has 100 domains, that the check should be limited to the same pattern of abuse. Because what if this bad guy has multiple phishing campaigns going on? One of which is targeting winter fuel, people, elderly pensioners in the UK seeking government subsidies, but at the same time is running a phishing scam targeting the IRS in the United States. If you limit it to the pattern of the abuse, then you're going to necessarily have to ignore the other cases of DNS abuse. I think that we have to focus on what's in scope, what's out of scope, what's within the picket fence, what's out of the picket fence. I think that proportionate seems like an eminently reasonable position here, so that you wouldn't require a whole account-wide check if you're looking at a reseller level. But the notion that you can't look at the entire account for a registrant from a registrar in the event of phishing, I don't understand. That, to me, would be unfathomable if that ended up being the result of this policy.

PAUL MCGRADY:

Yeah. Thanks, Brian. But nobody's talking about that. Here's the sentence, "At the same time, the Working Group recognizes that the facts of a particular case may justify a broader review." Right? Those two sentences being read together, that's what proportions are, right?

BRIAN CIMBOLIC: Oh, I agree.

PAUL MCGRADY: Right.

BRIAN CIMBOLIC: I was just responding, Paul, to the fact that the question was asked, would the NCSG find that enough? And I heard a resounding no, and in the chat, there's a resounding no. So I just wanted to address that head on.

PAUL MCGRADY: All right. Thanks, Brian. Yeah, unfortunately, the NCSG is not intervening here, so I don't want to carry the water for them, but I also want to make sure that I'm having us look at what's in front of us. Volker, go ahead.

VOLKER GREIMANN: Yeah, I think we need to look at this from a differentiated perspective here. I absolutely see the point that there may be different kinds of abuse going on, and we see that a lot. However, not every kind of abuse is immediately recognizable. If we see the same pattern that has been described in the original report and that we have verified, then it's a very easy takedown. If there's another pattern that we haven't seen yet, that hasn't been described, and that is inconclusive to us, without evidence, we might not be able to identify it as abuse or not. So, yes, we should look at the account. Yes, we should try to find other easily

identifiable means of abuse. But it should be limited to the evidence that we have.

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

FARZANEH BADI: Thomas, maybe if I use other people wording and framing, we will gain some kind of understanding of the issue. Thomas simply said in chat that this action of the ADC should not lead to an overreach. That's all we are saying. Yes, and we have also said that if you are-- And also, it is not the correct framing of our point to say that that is outside of the picket fence. What we are saying here is that the registrar should not have the impression to go and do a whole, or be obligated to do a whole account check, like 100,000 domains, in order for an ADC check. And we have also provided the human rights problems, the human rights risk that could arise. Like you have, yes, true, it could be a criminal operation, but there could be some innocent domains that we have mentioned in our scenarios. There could be reproductive rights businesses and services that there's this registrant that does other things, but also operates those. So all we are saying is that if you need to review, so first of all, we are not obligating the registrar to do all the 100,000 domains. And if they decide to do that, it should be proportionate based on, for example, if there are key terms, if there's a Telegram, and we have mentioned this before as well. If there's, for example, an abuse of domain names for Telegram services, and the term Telegram is in the account. So we can also limit it to that kind of the key terms and the

patterns. And if we are obligating and we are not being prescriptive, we are just trying to say that the registrar should not overdo this, and kind of take that impression of obligation away from them that they have to do 100,000 or a million domain name registrant review, which is not financially feasible. So that's all we are saying, and I appreciate it if we actually have a chat. All these conversations are interrelated, and we have made these points over time, over and over. And NCSG is supportive of DNS abuse mitigation, and have said time and time again, people that we advocate for, they are victims of phishing and abuse and other things. So we are here in good faith to work with you, but also we don't want to create risk for the registrar and also the innocent registrants. Thank you.

PAUL MCGRADY:

Thanks, Farzi. No, and for clarity, nobody thinks that the NCSG or anybody else on this call is for DNS abuse. I guess my question is, listening to what you just said, I'm not trying to put my thumb on this, I just don't understand how, "Accordingly, the recommendation neither mandates nor prohibits a more comprehensive investigation where such action is reasonable and proportionate under the circumstances," doesn't address the concern. And so I think the NCSG's homework is going to be to put in specific recommended changes to this language so that we can see what it is that the NCSG wants. Yao, can you go ahead?

YAO AMEVI A. SOSSOU:

Yeah. Thank you, Paul. This is Yao speaking for the record. And I'm also very happy about the discussion we have in the chat right now. So nice.

I just want to make something. I had a question about what narrowly scoped is. Adding, stressing word on word, kind of what's moving what we want the registrars or registrants not to do. I think it shouldn't create a lot of problem, I think. From my perspective, what I understood when we are proposing the narrowly scoped language, it means, of course, ADC is triggered because there are evidence related to specific domain and specific abuse actor and specific campaign or a specific connected domain. But the investigation should be limited to what is reasonably necessary to determine whether the related domains are related. Let's say, for example, narrowly scoped, practically speaking. Farzi also has given some examples of it. Let's say domain A is reported for phishing, and evidence links domain B and domain C to the same actors. So registrar should investigate, of course, in this case, A, B, C. Then this is targeted and is evidence-based. That I think simply puts what I personally understand in this language and why we suggested the narrowly scoped language about this context. So not narrowly scoped is a domain A is reported, and then the registrar decides to review all 5,000 domains held by the registrant. So this is, I think, even though at some level you will say it could be proportionate, but there should be evidence-based and narrowly scoped, so that, of course, and at the broader sense as well, this will cost money somehow. So I just want to make those comments in the context of these topics and suggest other language possibly later on. Thank you.

PAUL MCGRADY:

Thanks, Yao. The reason why proportionate has shown up instead of narrowly scoped, though, of course, is because narrowly scoped doesn't allow the registrars to have the balance that they may need to have if

they stumble upon a viper's nest, right? So they're going to be afraid that ICANN Audit is going to come to them and say, "You looked at these people's entire portfolio, even though they were clearly bad guys and doing terrible things, and it should've been narrowly scoped instead of proportionate." So I understand why that language has not been supported along the way. Again, not trying to put my thumb on it, but I guess let's just sort of get to the brass tacks. Is the NCSG concerned really that they don't want registrars to have the discretion to do the review that the registrars think is reasonable and proportionate at the time? And if that's what this is really about, then let's talk about safeguards or something. But it would be completely upside down to me, I think, if registrars came across a viper's nest and stopped at 5 domain names out of 5,000 that were clearly doing something hideous, just because they were afraid that ICANN Audit would view it as not narrowly scoped. Again, not trying to argue for anybody, I'm just trying to understand it. We got a queue now. I must have stepped in it. All right. Martina, go ahead.

MARTINA BARBERO:

Thank you very much, Paul. And I don't know if Farzi already left, but I had a question because the GAC concern at this point is with this misunderstanding or a misunderstanding, I don't know, I'm trying to clarify. That for the NCSG, under this policy, reviewing all the domains in an account should always be forbidden. Even if it's only five domains and it's indeed a viper's nest, that should be forbidden because of an overreach. So I think it goes a bit into the scenarios that were circulated earlier. If you only have five domains and it's a very bad harm that is coming from one of them, you might want to check the other four. Or if

you have a large-scale campaign and 1,000 domains registered the same day with the same winter fuel thing, you might want to check them all. So if for the NCSG, it's unacceptable, a full review of an account, notwithstanding the circumstances and the gravity of the scenario at hand, I think we might have to discuss that because I think this is something that for a GAC is really important to give the registrars the possibility to review whatever they think is sensible to review based on the scenarios at hand. So I just want to clarify the NCSG position because it's not entirely clear to me. If it's a no-go for them, like full review in circumstances that justify them according to the registrars. And I'm using the term review instead of audit to make sure that we're all on board with the terminology. I don't know if Michaela or Farzi can clarify that just to try to understand where we are blocking.

PAUL MCGRADY:

Thanks, Martina. Yeah, thank you. Let's officially kill off the word audit and put in review. I think that seems to work better. Reg and Thomas, I'm going to ask you guys to tolerate me, and have Michaela jump in here first, and then we'll hear from the two of you. Michaela, go ahead.

MICHAELA NAKAYAMA SHAPIRO:

Appreciate it, Paul. Michaela for the record. No, that was a very emphatic shaking of head in case that wasn't clear, Martina. So no, absolutely, we are not saying that. Should the circumstances point to a level of severity of abuse and of harm, that would be proportionate to the issue at hand, where you should do a full review of the domains. That is something that we can certainly get behind. We also did strike

down and are okay with not having the narrowly scoped language because proportionality can do a lot of the work here. And similarly, yeah, review instead of audit. Thank you. And just wanted to say, yes, emphatic no, we are not saying that you can never do this. What we want is to have some element of proportionality being defined here, which I hope is maybe where Reg and Thomas are coming in. And again, very happy to provide some language that's been useful, perhaps at the international human rights level that we can give just to give a good sense of what proportionality is that is flexible enough to adapt to the cases at hand. The idea is to not, again, hamstring registrars from doing what they need to do, nor do we want to obligate them to have to do something that is absolutely disproportionate to what is happening. And I hope that both of those sides are clear. We're, again, absolutely not saying that this is never warranted. We just don't want that to be the default or something that is required of registrars to do in their ADC check. I hope that was helpful.

PAUL MCGRADY:

Thanks, Michaela. Yes, I get the sense that with the exception of wanting, the advocating to put back in the narrow language, most everybody else is on board with the thing as it's written or pretty close. Maybe some examples, maybe some additional tweaks to the language. So I'm hopeful that we'll be able to wrap this one up in the coming week, in the collaboration document. But maybe not. I'm going to go ahead and declare 15 seconds to get in the queue if you want to talk about this one, and then we have one more item with the time frame we have left. So at 15 seconds from now, I'm calling it into the queue. Reg, go ahead.

REG LEVY: Thanks. And I was basically going to put what I put into the chat into the record, but I think Michaela addressed it. And it seems like there is some confusion about what proportionality means, and it's what might be reasonable. It kind of has to stay that way because I can't tell you that, and again, I put this into the chat, that reviewing all 1,000 domains in a particular account is disproportionate because the circumstances may require that. So in the case where all 1,000 were registered today, that is proportionate, and we need to take a look at that. I would also say that a lot of our checks may just be a quick scan, right? So, generally speaking, do these seem to be malicious domains, or do they seem to be domains that have been registered a long time ago and are fine? And so that's not a general audit. That's not a fully scoped review of the account, but we are looking at all the domains. So, it's proportionate. And I understand that there is concern around the lack of definition there, but I also, myself, would be concerned if we tried to define that.

PAUL MCGRADY: Thanks, Reg. Thomas.

THOMAS RICKERT: Yeah. Thanks so much, Paul. Hi, everybody. I think that the proportionality language needs to stay. We shouldn't dilute that because I guess that answers all the questions from a legal point of view. But if you just listen to the recording or look at the transcript of the discussions that we had around this, a discussion by people that have been knee-deep into DNS abuse for months and months, and them

having issues with the term, I think warrants some additional language to clarify what we mean. Because this should be a policy and associated documents that can be understood by those who are not well-versed in English or in DNS abuse. So I think that it would be good for Michaela and her colleagues maybe to come up with some examples of what they consider excessive ADCs or looking to unrelated matters. Maybe just to kick out a customer that they don't want, or whatever the idea behind that might be. And then maybe we can either put that into implementation guidance or into rules to be applied by ICANN Compliance. But I would not touch the recommendation, because I think from a legal point of view, that is solid. However, I think there is a good argument to be made that we should have some explanatory notes going along with it.

PAUL MCGRADY:

Thanks, Thomas. Yeah, I agree with that, that we said at the very beginning of this PDP that we wouldn't bake a bunch of temporal items into recommendations because that would make recommendations expire faster than we would want, and we'd be back at the drawing board. I do think that either an implementation guidance or some other document we can put in those examples so that the IRT and so that ICANN Compliance can see what we were talking about. The good news is, I think everybody's in agreement. The bad news is we don't have the language to reflect that yet. And so we will work on getting the language together. All right. Great. Michaela, thanks for being on the hot seat. Appreciate you.

All right. Let's move on to the next one. This one, IPC wanted an update to Recommendation 8 on trigger timestamp. Registrars asked for updated rationale on Recommendation 8 to avoid unnecessary bureaucracy and additional record keeping. Discussion outcome, the leadership team and Working Group members agreed these are useful additions to the recommendation, so this is the one I think is the least controversial today. So the proposed update, keeping the recommendation language as it is, update on the first bullet to read the trigger and time of trigger of the ADC, and adding the rationale. The Working Group intends for this recommendation to be demonstrable and auditable without requiring registrars to create extensive new record-keeping systems solely for the ADC purposes. The purpose of the recommendation is to enable verification that an ADC was conducted and that the resulting decisions were supported by a reasonable investigation. The Working Group expectation is that registrars maintain sufficient records generated in the ordinary course of business to demonstrate compliance with the policy recommendations. And I think the underlying theory on this is that almost every single business record now comes with a timestamp of some sort that is created by the computer. And this is not to be a requirement that registrars keep a separate log of ADC checks or create reports or do anything like that. The registrars have been very clear from the beginning that they do not support having to create an additional generation of documents. What we're talking about is documentation that happens in the ordinary course here. So let's open a queue on this. Does the rationale appropriately balance out the IPC concern with the registrar concern? And if not, how do we work on it? Any hands? Marc.

MARC TRACHTENBERG: I think it'd be helpful to see the whole language for the recommendation. But just looking at this, I think the trigger and time of trigger of the ADC is what I think is important, again, to be able to determine whether the registrar is compliant or how the policy is working. I want to clarify that I don't think our outcome should be that registrars have to keep no new records. This is a new obligation, and so some new records may need to be created. I guess I would agree that the intent is not to have extensive new record keeping systems created, but I don't know that whatever records are kept in the ordinary course of the current policy and obligations under the RAA will be sufficient to demonstrate compliance with a new policy. So I think I want to clarify that, or it should be clear that some new records may need to be kept.

PAUL MCGRADY: Thanks, Marc. I think that we're talking about the distinction between keeping records that are created in the ordinary course of business that would evidence that timestamp versus creating a new record, which we've sort of been operating under for weeks now, is something that the registrars will not be required to do. And I think that's the needle this rationale is trying to thread. Volker, go ahead.

VOLKER GREIMANN: Yeah. I'm fundamentally opposed to what Marc has suggested, because some of those tools that we use to perform the ADC are standard basic queries, and if we start to have to log every search on our system, the load that this is going to create additionally, just to make sure that these

are kept automatically, because obviously we would have to keep them for everything. Otherwise, we would have to create separate orders for audit search than for a normal registry or reseller search. I cannot even imagine how I'm going to sell that to our development teams, and ultimately it's serving no purpose other than creating the potential for auditability, which, face it, it's nice to have, but it doesn't really add anything at all for us. So this is just make work, and I really like us to avoid being jobsworths.

PAUL MCGRADY:

Volker, before you go, does the rationale itself, the way it's written now, does that address the concern? And if not, what language changes would registrars consider?

VOLKER GREIMANN:

I think the language as it stands, because it actually outlines that we're not required to create extensive new record keeping systems for ADC purposes is sufficient. However, I just wanted to provide a counterpoint to Marc's comments, because ultimately, we're trying our best here, but we cannot do everything in the way that every step of the way is being audited and auditable. That's where madness lies.

PAUL MCGRADY:

Thanks, Volker. That's helpful. Marc, go ahead.

MARC TRACHTENBERG: I just want to clarify that my comment did not suggest that everything has to be documented extensively and timestamped for everything that you ever looked at. That was not what I suggested or stated. But there should be some record of what the ADC consisted of, otherwise this policy is meaningless. You have to say what you did, otherwise how can compliance ever determine whether you complied? If you just said, "Oh, we did an ADC." Okay, what'd it include? "Well, we can't be required to keep any new records, so we did it." That can't be sufficient, right? And so there's some middle ground here, like there is, I think, in a lot of areas in the policy. So we're not trying to be extreme and have every single query documented, but there should be some record of what the ADC consisted of. And since there's no ADC requirement right now, ordinary course records collected right now probably won't cover what the ADC included. So there has to be some middle ground.

PAUL MCGRADY: Thanks, Marc. Before you go, it's sort of the same kind of question as I was asking in the last group, or the last chunk of discussion, which is, this says, "The Working Group expectation is that registrars maintain sufficient records generated in the ordinary course of business to demonstrate compliance with the policy requirements." How does that not deal with your concern? And I'm going to come back to you--

MARC TRACHTENBERG: Because it seems to be saying--

PAUL MCGRADY: Go ahead.

MARC TRACHTENBERG: Okay. Sorry.

PAUL MCGRADY: Yeah.

MARC TRACHTENBERG: I'm sorry. I thought you were done asking the question. Go ahead.

PAUL MCGRADY: Yeah.

MARC TRACHTENBERG: It seems to be saying that the expectation is that the existing ordinary course records will cover the ADC, which I don't think is accurate. I don't think that's correct. They can't cover that because the ADC doesn't exist yet. And so that's why I'm just trying to clarify that there may be additional records that need to be kept by the registrar to demonstrate compliance. I'm not suggesting that they be so extreme, like the nightmare scenario that Volker is suggesting, but there has to be some middle ground where you say what you did at least generally. Otherwise, how could compliance ever determine whether you've complied?

PAUL MCGRADY: Okay, Marc, I understand what you're saying. On the other hand, the registrars are not pushing back on this last sentence, and the obligation is to demonstrate compliance. If their current records don't do that, then they have a problem to solve, but they're prepared to, sounds to me, stand by that language in the last sentence. So, sounds to me like you're pushing for some other standard, and I don't know what that is yet. But if we can, we'll take it to the collaboration document.

MARC TRACHTENBERG: Can I just clarify that one question?

PAUL MCGRADY: Yeah. No, Marc. I'm sorry, Marc, we're out of time. I don't have time to give you another bite at it. We have essentially two minutes left because we have two minutes worth of business at the end. So everybody gets 45 seconds. Ching, go ahead.

CHING CHIAO: Thank you, Paul. This is Ching from the BC. So yeah, 45 seconds on this. So, on one hand, I'll be happy to see a trigger timestamp very easily done by a last-seen timestamp, where the ADC is being last seen. It's very simple. You can do it through the logs. For the registrar itself, for the benefit of its operation, for the security purpose, you have the registration date, you have the create date, you have the abuse report date, and the last seen or the first seen of the ADC. That's very much a lot of information or the signals that you can do. But on the other hand, because everything we're doing here is in the black box, it's not very

helpful to the outsider. But I will guess that once you implement this, it's going to be helpful to the registrar in overall operation. So thanks.

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

REG LEVY: Thanks. What I'm hearing is that Marc doesn't like this and Volker doesn't like this, which sounds like it's a great middle ground compromise. My read of this is also I don't love it, but I can live with it.

PAUL MCGRADY: Thanks, Reg. That's why you're my absolute favorite Working Group member, and I'm saying it in public. Okay, Volker, go ahead.

VOLKER GREIMANN: Yeah, when we started, the first proposal out of my mouth was probably at least one of the first ones, was saying that we need a policy. The policy describes what we do, and if the policy is followed, there should be traceability that other domain names should have been found. If they haven't been found, then we have some explaining to do. Yes, there are logs. We keep logs. Certain security logs are created for every access, but there's no way of currently tying them to any perceived reason why these actions have been taken. So a domain name may be appearing in a search log, yes, but there's no way of proving that was done as part of the ADC. Also, these logs are very, very deep in the system. They require security levels that even I don't have,

that only the security team has, and that only are being looked at because that's the only way it makes sense in the scenario of a potential security breach. That's when we would look at those details, who accessed which account, and looked at the domains in that account and what happened in that account. That's certain information that people do not have, and even for an ICANN auditor, would be out of proportion to ask for. Thank you.

PAUL MCGRADY:

Thanks, Volker. Okay. Staff, we have seconds left. Let's do it. Next steps, staff to update preliminary recommendations. Staff to start populating an initial report for review. And the Working Group to review and provide comments on the review doc so staff can take those into consideration. And our next meeting is Monday, the 29th. So, everybody grab a screenshot of this next steps slide so you have it, because we had to move through it so quickly. Thank you all for a productive conversation. Have a great day.

[END OF TRANSCRIPTION]