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JULIE BISLAND:

Good morning, good afternoon, good evening, everyone, and welcome to the DNS Abuse Mitigation PDP-1 Working Group call taking place on Tuesday, the 26th of May 2026. For today's call, we have apologies from Martina Barbero from the GAC, Kathleen Scoggin, At-Large, and Thomas Rickert, ISPCP. The alternates stepping in today are Naoum Mengoudis, GAC, and Eunice Perez, At-Large. Also today, joining late, Eberhard Lisse and Juliana Harsianti. All right. Statements of interest must be kept up to date. Please raise your hand now if you have an update to share.

And seeing no hands. All right. All members, participants, and alternates will be promoted to panelist. Again, please watch your screen for the prompt to be promoted to panelist. Observers will remain as an attendee and will have access to view chat only. All documentation and information can be found on the DNS Abuse PDP-1 wiki space, and recordings will be posted there shortly after the end of the call. 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. Thank you, and over to our chair, Paul McGrady. Please begin, Paul.

PAUL MCGRADY:

Thank you, Julie. Good morning, everybody. We are going to get a lot done today. So here's the agenda. We have a welcome. That's what we're doing now. We're going to spend a few minutes just talking about where the PDP sits. We'll do a flash review of our preliminary recs for

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charter questions one through four. The reason why it's a flash review is because we're not at the wordsmithing stage yet, and you will have plenty of time to dig into them, but we wanted to introduce the language so that people are ready to dig in. We will continue to refine a straw person for charter questions five and six. And then we're going to set aside some time to talk about the next steps on the impact assessment. That's been an interesting journey since we're making something new, since it's a iterative or interim thing. And so we are trying to make that meaningful but lightweight at the same time. And then we have a few minutes for AOB at the end. Oh, and Reg reminds me, straw proposal. Yes.

So PDP updates, there are three of them. So one is on the road to ICANN 86. We are now the week of May 25. We have deliberated on questions three through six. We have discussed straw proposals for five and six. This week we are to continue to review the language for one through six as a whole. And then the assessments we talked about next steps. Next week, we will start deliberations of questions eight, nine, and we'll spend some time prepping for ICANN 86. And then, of course, we will have four working sessions in ICANN 86 to make some real good progress together. So that's pretty cool. We want to go ahead and do an intro on the review doc on preliminary recommendations. Let's go directly into that. I'm trying to keep an eye on chat. Feo, please go ahead. I think this is the part where I was about to deviate from what we talked about in our leadership meeting.

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FEODORA HAMZA: Not deviate. I just wanted to offer a female voice to introduce this as requested.

PAUL MCGRADY: Yeah, Feo, go ahead. This was meant to be a staff introduction and so Feo, go ahead.

FEODORA HAMZA: Thank you, Paul. Hi, everyone. This is Feodora from ICANN Org. And as Paul noted, we will just briefly introduce what document the working group will work on next. This is not to say that the collaboration document is over. It's just to give you a clean version based on the discussion we had last time on charter question seven, where you allowed us to produce preliminary recommendation language and preliminary rationale and implementation guidance where relevant on the charter questions already discussed. We've considered all input in the collaboration document. However, we will also consider the discussion today and update the document accordingly and share it with the notes. So when you review the document, you will see that we have recommendation as title there and a rationale, so it's not just straw proposal anymore. When you review it, please, as a reminder, and we've discussed it also previously, and you all know this already, but just to keep everybody on the same page, look at the language you cannot live with and mark it as such. And if you cannot live with it, please provide a rationale and also provide alternative language or description that we could use to update accordingly. So if we go to the next slide.

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Here, yeah, just explains what I already noted. This is just for what does it mean for you. Please, once we share it, review as you've done previously, and note what you cannot live with. You can also make other comments, but however, the most important ones are the ones with the biggest, let's say, disagreement, and then this would be further discussed with the group when ready. Volker, I see you have a question.

VOLKER GREIMANN:

Yes, just a practical question. I kind of have an issue with the entire concept of cannot live with, and if anybody chooses to have that position at this point, I just would like to ask for information purposes if cannot live with means I'd rather have no policy than a policy with this in it, because that is exactly what that means. And that might be the result. If you have a position that you cannot live with and somebody else cannot live with the alternative, then we might not get to a point. And I'm not sure if we want to start burning bridges at this early stage and rather look for compromises or figure out a way to live with certain things that you might think you cannot live with. And if that cannot live with is, for example, a deadline, a timeline, a period of time in which something needs to happen, really ask yourself the question, is not having that timeline worth not having a policy at all? Thank you.

FEODORA HAMZA:

Thank you, Volker. I see Paul wants to reply.

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PAUL MCGRADY:

Yeah, thanks, Feo. Thanks, Volker. Yeah, that's exactly it. I think that at this point, since we've all talked about these and we've congealed around ideas, if we now have somebody that says they really can't live with it, which means they'd rather have no solution rather than the one that's in front of us, I think that will come as a fairly big surprise to all of us. But that cannot live with, I think that language popped up in a PDP somewhere, and it just kind of stuck. And I think the point is, is that it's a moment where we essentially say, "Yeah, we can all kind of get behind this and drive this home." And if there is going to be somebody who throws a sabo into the machinery at the end of the process, we'd rather have that sabo now, so that we can try to deal with it. But hopefully we don't have that. Thanks, Volker. Thanks, Feo. Back to you.

FEODORA HAMZA:

Thank you both. That makes sense. We can also see if we can slightly change the wording here, but in essence, it's just to note where there might be deeper clarification needed than is currently present. So much appreciated. On the next slide, you will see a reminder again when you review the document and when you consider language. The aim is to solve the issue as described in the charter, develop policy recommendation that can reach consensus, and receive council support, as well as can be adopted by the board and implemented by ICANN Org.

As a reminder on the next slide, please stay within scope, check the charter, and just note that detailed policy language will be developed later and not necessarily in this group.

And just to show you an example in the next slide, what is a helpful comment is, as noted earlier, please provide rationale and alternative language or anything that expresses what you or your group would like to see there. If you note, "I disagree" or "Please change," it makes it very difficult for staff and probably also the rest of the working group to understand what the issue might be or what could achieve a middle ground. So that's it from our side. As noted, based on today's discussion, we will update the document and share with you with the notes, and appreciate your input. So back to Paul.

PAUL MCGRADY:

There we go, I did it. All right. Thank you, Feo. All right. Next up is the ICANN DNS Abuse Advisory Considerations Relevant for ADC. We've been kicking this around as a somewhat baseline document. And this, I believe, has to do mostly with promptly. And so let's go ahead and dig through this. And this is just bringing forward a factual document. So the context is we're not bringing now DNS abuse itself. We're just looking at what prompt means in the context that compliance and the contracted parties already understand. So after actionable evidence, prompt action is required.

Upon obtaining actionable evidence, the registrar must promptly take appropriate mitigation action that are reasonably necessary to stop or otherwise disrupt the registered name from being used for DNS abuse. To determine the mitigation actions that are prompt and appropriate, the registrar will consider the specific circumstances of the case, which may include balancing the scope and intensity of the harm caused by the DNS abuse against the possibility of associated collateral damage.

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What makes an action prompt? As noted above, the appropriate mitigation action to stop or disrupt an instance of DNS abuse will vary depending on the specific circumstances. Consequently, the appropriate amount of time to investigate and take action will also vary, making it impossible to prescribe a fixed amount of time for an action to be considered prompt. Instead, registrars must demonstrate an ongoing attentiveness to allegations of sponsored names being used for DNS abuse. The attentiveness should be commensurate with the potential harm that DNS abuse causes victims. Accordingly, in response to an inquiry by ICANN Contractual Compliance, registrars will be required to explain how the actions were prompt, considering the specific circumstances. ICANN Contractual Compliance will then review the explanation and the relevant circumstances to make a case-by-case determination as to whether the actions were reasonably prompt.

Advisory two scenarios, illustrating DNS abuse contract amendments, including prompt action and actionable evidence. I think we've got another slide, at least I hope we do. No, we don't. That was a stay. Oh, advisory includes the two scenarios within the recent amendments. Got it. Okay, so that's what that means. So anyways, as Reg says in the chat, it's the case-by-case determination. This is going to come up in our discussions, and so I thought it was important just to have that baseline of what contractual compliance has already said.

Let's go on to do a quick flash review. And Reg, I think your comment there, and we'll talk about this. I think it says, "Why is why a prescriptive?" I think it meant this is why a prescriptive number of hours is inappropriate. Yeah, I think that's right. And what I proposed wasn't prescriptive. It was some sort of conceptual baseline. Yeah. And so,

that's why I phrased it the way that I did. That was on purpose. We can get to that when we get to that question again. So quick flash review. Yeah, I'm sorry. And I don't want to just speak to Reg. Reg, yeah, there was a proposal from the BC to begin within 24 hours and a proposal from the IPC to conclude by 72 hours. And then I put out onto the list the idea that it would be that flexible prompt standard, but the 24 to start and 72 to conclude would be some guidelines absent extraordinary circumstances to give at least some structure. So that's where we are. Okay.

Flash review. Preliminary recommendation one. When a registrar has actionable evidence that a registered name is being used for DNS abuse and has determined pursuant to Section 3.18.2 of the Registrar Accreditation Agreement, the registrar must perform an associated domain name check. For the avoidance of a doubt, this requirement does not extend to compromised domains. The main change based on working group input is we remove the definition of malicious domains. We added the caveat about compromised domains as excluded from the ADC. And based on what we've seen in the collaboration document, the working group seems to be fairly aligned here. Reg, we are going to take a cue on preliminary recommendation flash review. Preliminary recommendation one. Let's hear from you. Go ahead, Reg.

REG LEVY:

Yeah, sorry. I thought that you said earlier, or possibly Fay said earlier, and Gabe asked in the chat that this is in a new document. Where is the link to that new document, please?

PAUL MCGRADY: Yeah, if we can have that from staff.

REG LEVY: Thank you.

FEODORA HAMZA: Hi, Paul. This is Feodora.

PAUL MCGRADY: Yeah, Feo, go ahead.

FEODORA HAMZA: Yes. We just wanted to note that what you see here is not a big difference to what is in the collaborate, sorry, collaboration document at the moment. We need some input from the discussion today to update the new document, so ideally we share it afterwards when everything is ready. That's why we shared the slides in advance, so you could have a look. Hope that is okay.

PAUL MCGRADY: Got you. Thanks, Feo. So the slides went out last week. These will be memorialized in a new document, I guess, after this call, once we've had a chance to talk through it. All right. We have two in the queue for flash review recommendation one. Mark Trachtenberg, go ahead.

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MARC TRACHTENBERG: This is just maybe a grammatical or structural question, but it says when a registrar has actionable evidence that a registered name is being used for DNS abuse and has determined pursuant to Section 3.18.2 of the Registrar Accreditation Agreement, the registrar must perform, but it's like has determined what? Seems like something was omitted. What has the registrar determined? Right? Am I seeing something that other people aren't seeing, or seems like something is missing there.

PAUL MCGRADY: Yeah, good question. All right. We'll ask Feo that question. Feo, go ahead.

FEODORA HAMZA: Thank you, Mark. That is indeed very good that you pointed that out. That is from previous language and has been not deleted. So it's from the part where, in the version where there was an attempt to define or determine malicious domains, so that would be removed from the text. So that's very good input. Thank you.

MARC TRACHTENBERG: What should it be? It should be when a registrar has actionable evidence that a registered domain name is being used for DNS abuse, the registrar must perform an associated domain check, or what is going to be removed?

FEODORA HAMZA: And "has determined" would be removed.

REG LEVY: Okay.

PAUL MCGRADY: Got it. That will help. Thank you, Mark. Naoum's up next.

NAOUM MENGOUDIS: Yes, thank you, Paul. Naoum from Hellenic Police. I would like to revisit the idea for the, like there is being used for DNS abuse. I know it's in the agreement already. But for example, if we want to mitigate DGA-based DNS abuse, we cannot wait to actually observe abuse on the domain. Maybe we can change the preliminary recommendation and mention that a registered name is likely to be used for DNS abuse or is linked to DNS abuse so we can proactively mitigate, for example, future abuse. Because I cannot wait to actually see the abuse, like in a DGA example, in order for me to mitigate. I just have a list of DGA-generated domains that are possible to be used in the future. So this specific wording does not allow for me to proactively block DGA-generated domains, for example. I don't know if I'm understood. If we change the wording to that a registered name is linked to DNS abuse, we could be more proactive and not have to observe the actual abuse in order to act.

PAUL MCGRADY: Thanks. Naoum, I'm going to respond to part of that and then have Brian speak after that. So this is not the universe of everything that a registrar can do. This is the minimum that a registrar must do. And so there's nothing in this policy that would prohibit you from doing any of the

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things that you just mentioned, and maybe there's a missing sentence saying that. Because this isn't the universe of things that you can do without getting in trouble with ICANN. This is the universe of things that you have to do so that you don't get in trouble with ICANN. And so instead of going through and trying to figure out every possible DNS abuse situation and say, "These are in, those are out," we'll be here all day. Maybe there's a missing sentence, and so I'll throw the missing sentence idea out to be kicked around. We have Brian, go ahead.

BRIAN CIMBOLIC:

Thanks. And thanks, Naoum. I totally understand where you're coming from on this, but I want to kind of, there's a procedural bit and a substantive bit. The substantive bit is it's hard to conduct an associated domain check for domains that don't yet exist. It's the sort of lack of evidence. So it becomes tricky from a substantive perspective out of the gate. But I do also want to note that the GNSO has identified a working path where there's three PDPs that it's already identified or three policy work tracks, and the third is the better coordination and improvement on specifically this issue, on DGAs. So I think that it may be that we might be able to work that concept into that third policy development process. But also noting to Reg's point that typically, in my understanding, and you're the expert, so much of DGA mitigation or botnets associated with DGAs, I should say, is typically dealt with at the registry level, whereas this is a registrar-focused initiative. So just for a number of reasons, while I appreciate what you're trying to address, I think there may be an opportunity in the third PDP to do so, and is maybe a little out of scope for this particular PDP.

PAUL MCGRADY: Thanks, Brian. Let's hear from Reg.

REG LEVY: Yeah. Again, I think concerns about DGAs are out of scope for this PDP because registrars are on the chopping block right now and not registries, and we can't really do much for a DGA. That said, my understanding is that there is evidence of DGAs. That's what the algorithm, the A itself is, is that evidence. So even if it hasn't yet been registered, the evidence exists and therefore is actionable, which is why it gets blocked by the registry.

PAUL MCGRADY: Thanks, Reg. Naoum, back to you.

NAOUM MENGOU DIS: Okay. Yes, understood, but at least is this wording including past abuse? For example, I make a report to Reg with some screenshots of past abuse, but the domain is not currently abusive because maybe it is being cycled or whatever. Would I be able to act on it and do an ADC for past abuse that is well-evidenced?

PAUL MCGRADY: Yeah. Does anybody want to-- Maybe we can have one of the contracted parties share their view about whether or not that past abuse would be a trigger. Reg, go ahead.

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REG LEVY: Yeah. So if the abuse has been mitigated, then the abuse has been mitigated, and I think this is part of why I wanted the associated domains check to come after the mitigation of abuse. Because if someone somewhere in the chain has already mitigated the abuse, then the domain is not being used for abuse. And if the evidence shows that it was in the past, but that it was resolved, I don't know whether that needs an associated domains check because that seems to point more toward a compromise of the domain than a malicious domain. And so I'm not sure whether or not that is a then must mitigate or, excuse me, must perform an ADC. Because again, the DNS abuse has been resolved in this instance.

PAUL MCGRADY: Thanks, Reg. Gabriel?

GABRIEL ANDREWS: Hi. Yeah, this is Gabriel, and I just wanted to clarify, and still seek Reg's input, but I think Naoum's example was if, for example, a bad guy is using a domain and it's actively harmful for a period of time and then they park it or route it to something non-harmful for a period of time, that's something we see done a lot, or geo-fencing to make it harmful for certain regions, right? So bad guys will do this just to make it harder for security researchers to investigate after the fact. So I think that's the kind of thing where there's still potentially harm to come from a domain. It's not been mitigated yet, but where we have evidence that it was used, but it isn't right that instant actively being used. And I think

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this is why the GAC has previously suggested language along the lines of has been used, is being used, or is likely to be used in DNS abuse. And we wanted to keep that temporal flexibility to ensure that any policy is able to reflect that reality. Over.

PAUL MCGRADY: Thanks, Gabriel. Reg?

REG LEVY: I feel like we're re-litigating, but where there is evidence of maybe possibly sometime in the future, we're not here to, A, deal with extreme edge cases, or B, predict the future. So if there is actionable evidence, then the evidence is actionable. If it's not actionable and you're like, "Yo, trust me, bro," then that's not the situation that we're talking about. So it sounds like in the case that you and Naoum are discussing, there is evidence. Great. If the evidence is actual, fantastic, it falls under this. If the evidence is not actionable and you're just really sure, then that's not evidence, right? Sorry, my brain hasn't turned on this morning, but there's a legal word for that, and Gabe knows what it is.

PAUL MCGRADY: Okay. Thanks, Reg. I see we have three more in the queue. We are running out of time on our flash review. This was meant to be a flash review, not a deep dive. So I'm going to see if I can get our ship back on track here. But we'll have Brian again, and then we'll have Mark and Farzy.

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BRIAN CIMBOLIC:

Yeah. Thanks, Paul. Just briefly, just as I like to try and base things or try and drive to things to be based in the existing frameworks and just the current existing framework in 3.18.2 is that the registrar has actionable evidence, not that the domain is engaged in abuse, not that it was or might be. So just kind of where's the status quo, that's the status quo baseline.

And also just noting that we touched on this last week, and I don't know if it's necessarily enforceability, but sort of more predictability or good policy. That becomes really difficult in what if you were to provide Reg with a domain that was engaged in abuse five years ago. Does she have to then drop everything she's doing and check that registrant's account, even if the domain had been deleted and re-registered by a new registrant? I think that it becomes really hard unless you're to say within a certain period of time, or some reasonable guardrails. I think that saying at any point in the past has been engaged in DNS abuse just becomes really unwieldy really quickly.

PAUL MCGRADY:

Thanks, Brian. All right, Mark and then Farzy.

MARC TRACHTENBERG:

So I take Brian's point about it being unwieldy if you go back to previous registrations, but one of the challenges, and I think what Gabe is getting at, and I won't address prospective harm or the future crime, but I think we do know that the bad guys intermittently use domains for DNS abuse. That is how they avoid enforcement. And so they use it, they shut it down, or they geo block it. And so I guess the question is, is this only

triggered now? Are we saying that it's triggered the ADC's only triggered when the domain is currently actively being used for DNS abuse right when you report it? Or does the actionable evidence of DNS abuse cover a domain name that may show PPC right now, but previously showed a phishing site? And maybe that's a more existential question, I don't know, but I think that was the point of Gabe's comment and something I'd just like to clarify, in my comment, taking off the future stuff, but just focusing on maybe the domain that was used for DNS abuse but maybe is not at this moment.

PAUL MCGRADY:

Thanks, Mark. All right. So Farzy put her hand down, so I've decided to donate Farzy's last intervention to Volker, who put his hand up. But Volker, you're it. We need to move on.

VOLKER GREIMANN:

Yeah, I just wanted to very quickly get back to Mark on that. That is basically exactly what it means, but that's actually a rabbit hole that we're not dealing with at this point because that's part of the general abuse mitigation requirements of the ARA that we have. I don't think that it's relevant to our question, but just to get back to your point, yes, as a registrar, I think it's even worse than what you outlined because as a registrar, we need to be able to verify the request, and therefore, it's not when you make the abuse complaint that is relevant, but rather when we get to that ticket and look at the evidence whether the domain name bears that out. So, if it's the domain that's being admittedly used, then the report should probably notify that as well because if we do not see

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the abuse and have no way of verifying the abuse, then it's probably not abuse for us.

PAUL MCGRADY:

Thanks, Volker. Okay, let's move on. We've got some more flash reviews. Let's try to keep these more flash. All right. Preliminary recommendation number two. To determine whether association exists, a registrar must, at a minimum, review at least one registered name holder or account-related indicator, or at least one technical or coordinated activity behavioral indicator that is reasonably accessible to the registrar and most likely to yield useful and actionable information. The ADC can be conducted using a flexible, non-exhaustive set of criteria that allows registrars to identify domains that are reasonably linked to the same abusive activity, account, or actor. When determining association, registrars may take into account what is reasonably available to the registrar and the differences in registrar business models. The specific elements considered in any given ADC, even within a single registrar, may vary depending upon the particular circumstances. Such associations may include, but is not limited to, the following factors as applicable and as available: domains associated with the same account, customer, registrant, and end customer or other potentially common connection points. Domains exhibiting common patterns or indicators of coordinated activity, including naming conventions, shared infrastructures, for example, name servers, and/or campaign characteristics identified through internal analysis or external reporting. Domains linked through information reasonably available to the registrar during its operation, including information derived from internal analysis and/or external reports that provide indicators of what

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to look for in a campaign. All right. Let's limit the queue to three, and we'd love to hear from some folks we've not already heard from, if they have opinions. If not, it's first come, first serve. Mark.

MARC TRACHTENBERG:

Two comments. The first one is, if it's at least one indicator, that means that it's going to be one, right? The registrars that already are doing a more sophisticated ADC are going to continue to do that than the ones that we're trying to reach that aren't participating here are just going to do one. So, if we're using reasonable, it should at least be do a check that includes a reasonable number of account-related indicators. So that's my first comment.

And then the second one is, in the current language, they're supposed to do at least one, which basically is one that is most likely to yield useful and actionable information. How would they know ahead of time which indicator is most likely to yield useful and actionable information when they haven't done the check yet? And I'm just really struggling with that one. So I think it should be a reasonable check with a reasonable number of indicators, and I don't know that this most likely one makes any sense here. There's just no way to know ahead of time. You'd only know afterwards in every different situation. For example, if you checked five of them, if you checked five different indicators and you found that one gave you evidence, you'd say in retrospect, "Oh, that one was most useful," but it maybe would not be the most useful or likely to be useful for a different check, and you wouldn't know that ahead of time, only after the fact.

PAUL MCGRADY: Got it. Okay. Thanks, Mark. Reg has her hand up. I'm going to have Reg go first, and then I might respond to your question, Mark, but go ahead. Thanks, Reg.

REG LEVY: Yeah. Maybe we have similar thoughts on this. The most likely to yield useful and actionable information is new, and so I'm kind of sitting with it.

PAUL MCGRADY: That's why it's in green. That's right.

REG LEVY: Yeah. This is why it would've been useful to have the other document. And I understand where Mark is coming from, and my concerns with this language are in the opposite direction, that it's too prescriptive. So if it's too prescriptive for me and not prescriptive enough for Mark, that probably means it's the okay language.

PAUL MCGRADY: Thanks, Reg. I am sorry to interrupt you. I broke my own rule. I should have said everything that you see in green is pretty new, and that's why we have some work to do on these, right? But we'll do that in the document itself. I know we sent these along last Friday, I believe, so not everybody might not have been able to dig into them, especially on the

holiday weekend. But it's nothing super secret about a document we sent over on Friday for review, Reg, but I get your point. It would be nice for us to be able to see in advance all the comments that will be made on this call so that we could produce a fulsome document in advance. But that would be taking away all the good work you guys do. We have Rod and then Volker, but Volker, you'd be number four, and I need to stick with the queue. So, we'll go with Rod, and then we'll move on to recommendation number three.

ROD RASMUSSEN:

All right. Well, hopefully, I can channel Volker a little bit here. So I know that we've been discussing this in SSAC quite a bit. We share the concern around too prescriptive here, and especially when you have cases where you need multiple indicators to actually decide whether or not they're related or not. And then there's also the language here includes the external reporting as a may include, and we're really keen on if you get a report in that tells you how to associate domains, that you should at least look at that. So, give you a flag on that one, and we can still continue. I guess that's wordsmithing at some point. Thanks.

PAUL MCGRADY:

Thanks, Rod. Okay, we're going to move on to number three here. But before we do that, I wanted to address a couple of things that Mark said. My concern is by not having at least one, there's the possibility that a registrar, none of whom are on this call, would say that it's reasonable to look at zero. So I'm not sure that-- That's my concern about just the reasonableness standard.

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And in terms of knowing which one is most likely, we do that all day long. Lawyers do that all day long, right? We are asked to predict things all the time. And we are asked to predict things based upon our experience, which is why oftentimes a lawyer that is older, but not in decline, gets the predictions the most correct because they have the most information. We are, after all, just large language models ourselves. We're just organic. And so I don't think it's unreasonable for a registrar to see a pattern they've seen hundreds, thousands of times and say, "I've seen this before. Here's where the fruit's going to be." I think that to me makes sense.

Okay, let's move on to preliminary recommendation number three. Two and three are tied together, so maybe Volker's comment that he was going to make will fit here too. If it is Volker, and you raise your hand, I'll make sure that you end up in the three. How's that? Okay. Preliminary recommendation number three, a reasonable investigation by a registrar must consist of reviewing information reasonably available to the registrar in the normal course of its operations to determine whether associated domain names are being used for DNS abuse. A reasonable investigation must be practical and proportionate based on the circumstances and consistent with Section 3.18.2 of the RAA. A reasonable investigation must not require registrars to access or generate data that is not reasonably available to them, recognizing that registrar capabilities, technical systems, and available data may differ across and within registrars. Green language now. Notwithstanding the foregoing, registrars must undertake all means within its control, provided such actions are lawful and reasonable, to detect related or associated domains.

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Implementation guidance. For the purpose of this policy, reasonably available data would include data required to be collected or maintained under applicable ICANN agreements, data otherwise held by the registrar and accessible through its technical systems, and information received by the registrar in connection with an abuse report or investigation.

Where a registrar operates through a reseller or similar business model, a registrar may rely on a reseller to conduct ADC investigation steps using data reasonably available to the reseller. The registrar will remain responsible for ensuring that a reasonable investigation is conducted as required in the RAA 3.12. There's a lot here, and I expect there'll be comments both in the document itself and in the email. We have two of our three. We're going to stick with three. So Noom, go ahead.

NAOUM MENGOU DIS:

Thank you. I just want to make a general comment about the investigation because we are always mentioning proportion, attacks, and et cetera. But I really think that we shouldn't stick to the minimum investigation. Instead, we should maximize the investigation, because then we will have a more complete and clear picture of what is going on, which will minimize collateral damage to unintended damage to registers, et cetera. So we should just keep this in mind.

PAUL MCGRADY:

Thank you, Noom. Reg?

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REG LEVY: Thanks. The all reasonable... Sorry, all means within its control sounds like more than one data point. So I'm not really sure what all means within its control means. Technically, it may be within my control to spend a lot of money and get some third-party retail block list to give me a list of names. Does that mean that if I don't do that, I have not acted reasonably? I'm really confused by that new language.

PAUL MCGRADY: Thanks, Reg. And I encourage you to workshop that in the document and on the list because that is heavy, I agree, and we need to figure out what that means in relationship to at least one. Volker, go ahead.

VOLKER GREIMANN: Yeah, I share the same concern as Reg, and I would strongly urge that we replace all by reasonable. That would probably fix the issue, at least in my view, that if we say that we have to do all the means within our control, that would mean a five-hour investigation, looking at all the logs in our databases and no longer reasonable. Let's stick with reasonable and let's make sure that we do not spend all of our time on ADCs and have no more time left for regular abuse tickets.

PAUL MCGRADY: Thanks, Volker. Yes. So, I see a comment, and Reg, I won't keep responding to the mystery document. There's no mystery. We got this to you as fast as we could. We're distilling down the conversation that we're having now. It's meant to be a flash review. We're not going to be able to dig in on this call. We have weeks to dig in on this. There is a

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process. This particular language, I understand came from the collaboration document itself. It is not set in stone, that's why it's marked green. And so we have time to do it and we have a process to do it. So, all right. Reg, you seem very critical of this process in the chat. I'm sorry that you're not enjoying the call. But I don't know how else to introduce this in a speedy way without introducing it in a speedy way. But I am open for comments about how to do that. All right. We're moving on in a quick way to flash review recommendation number four.

There's a lot of green here. A registrar must review reasonably available data to it in order to satisfactorily determine whether or not associated domains are engaged in DNS abuse per 318.2 of the RAA. At a minimum, a registrar must review at least one reliable internal data point reasonably accessible to it to determine association. And based upon the results of that review, assess whether it is reasonable and appropriate to examine additional indicators, signals, or patterns to determine whether further domain names may be associated with that same actor or activity. And so that's different than what we just saw in three, which three said all, right? And this seems to provide a little more of a nuanced. And so as we work on these preliminary recommendations, I think that's the point where we have to sort of harmonize those. Where the initial review indicates a potential association of abusive activity, the registrar must take additional reasonable steps using data and indicators available to it to evaluate whether further abusive activity is present within the investigated portfolio. Where the initial review does not indicate such association, the registrar may determine that no further investigative steps are

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necessary, provided that this determination is reasonable and proportionate based on the information available.

And these were not meant to be polished, guys. We're taking these from the collaboration document. When you have a working group and people are putting different things into the collaboration document, it's going to take some reconciliation. That's what we're doing now. That's the beginning of the process. We're flash reviewing them now. We're going to reconcile them over the course of the coming weeks. If we wanted polished recommendations, we could have a different model where staff just made up what it wanted to see. They would be polished and logically perfect and work together. But that's not how multi-stakeholderism works. So I understand this can be a frustrating process. We have Mark and we have room for two more. Mark, go ahead.

MARC TRACHTENBERG:

I mean, I'll reiterate my comment about the at least one data point, but we don't have to spend more time on that. I think that's out there. Just trying to, this second bullet point. I mean, so you do the check on the one data point. I guess if you find nothing based on whatever data point you chose, then that ends the inquiry completely, because I don't know what you'd find there that would direct you to other domains. But even if you check registrants, you check name server, I don't know, I guess you check the one data point. I don't see how that's going to, in practice, just because you found the other domains based on the one data point, it's going to tell you to now examine other additional indicators. Why would

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that lead you to other indicators or signals or patterns based on the one data point? It just doesn't seem to make sense really.

PAUL MCGRADY:

Volker?

VOLKER GREIMANN:

Yeah, it's at least one. So, we probably can and should look at more. It's just compliance probably needs something to nail this down. So at least one is probably a good consequence, and one may be enough for many cases.

I just wondered about one thing. You said that this new language was released on Friday, which is obviously less than ideal because of the long weekend and holiday season. But where did this language actually come from? Because it doesn't seem that this was in some form or shape already consensus-based. And normally, at least in my previous experience, new language only arrived once there was consensus on a certain outcome.

And this seems to be at least slanted or outcome purposed or derivative in a way that this is aiming for a certain outcome that hasn't been yet agreed or achieved at. And it feels like that we are now required to put holes in a predetermined outcome that hasn't been part of a consensus yet. And I'm not saying that we wouldn't be arriving at this language or something similar as an outcome, but I think the process here needs to be examined and I would like to hear some more about where exactly

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did this language come from and what was it based on when it was not based on consensus that was previously achieved. Thank you.

PAUL MCGRADY:

Yeah. Thanks, Volker. So consensus is at the very end of all this. It's not, it's not now while we're working. This came from the initial inputs from stakeholder groups and constituencies and from our discussions on the calls, and on discussions on the list and work in the collaboration document. This was taken primarily from the collaboration document, where all that was congealed in essence. I think congealed is a word we could use at this point, rather than consensus. And then we put those into preliminary recommendations or draft recommendations so that we can actually take a look at what all of our work over the last several weeks would look like if it were in the form of a recommendation. And now we are going through and seeing, does that work make sense? Are they interoperable with each other? We've seen some things that maybe aren't, some things that are inconsistent. That's the nature of working group work at this stage. We're going to find inconsistencies. We're going to find holes that need to be plugged. This is the part where we start to work towards consensus on these. And, so that's where we are.

Some working groups wait until the very end. They talk about absolutely everything, and they put out a set of recommendations. In my experience, that's where the relitigation happens. It's better to work those things out now.

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So, if it feels predetermined to you, I don't know what to do about that other than to say that everybody had access to the collaboration document. Everybody had an opportunity to speak on calls. All that we've tried to do is to sort of distill that down into where we think we are congealing. Again, this is not the last time we're reviewing these. We will have weeks ahead of us to work on these to get them where they need to be. They're obviously not ready, and nobody thought that they would be in the initial flash review. All right. We have one left in our queue of three, I believe, unless I've lost count. And if I did, I apologize for being fallible. Noom, go ahead.

NAOUM MENGOU DIS:

Wouldn't it be better if we just mentioned that the registrar should review a reasonable amount of suitable indicators in order to come to a conclusion and just leave it at that, instead of prescribing all those, can do this, at least that?

PAUL MCGRADY:

All right. Thank you, Noom. Let's move on to our next agenda item.

All right. Great. So, this is just a quick summary. I don't know that we need to spend a lot of time here other than to say for recs two and three, the main changes were to provide more context on minimum baseline criteria, consideration on what could be considered reasonably available data, and consideration on reseller models. And for us, over the coming weeks, both on the list and in the preliminary recommendations documents, the questions are does the working group agree with the changes in green? If not, why not? What needs to

be improved? Should more language changes be discussed? If so, what are those? And please list out major concerns. And it sounds like there are some, so that's good. So that's what we are going to do. So that was a flash review that wasn't very flash. But let's keep going.

All right. So we're going to continue our discussion on straw proposals for charter question five and six. These have not been congealed down yet into preliminary recommendations. We hope we will be able to do that.

Yeah, and Reg, again, in the chat, it was a flash review of the initial draft. In the collaboration document, nobody is writing in the form of a recommendation. Those do have to be congealed down. Again, I'm open for any other recommendations on how to draft recommendations from a collaboration document and from communications, both live in these calls and on email strings, where people are not putting things in in the form of draft recommendations, but are rather collaborating. And to make that hop into a draft recommendation without drafting that recommendation. I don't mean to be defensive. I just don't know how else to draft recommendations other than to do that. So, again, yes, it's new and we are going to have time to review those, but we are getting them into our heads today so that as you guys take a look at them in the document, they'll be the context of what people have already said.

Okay. Moving on. Charter question five. If the associated domain name checks have an adverse impact on domain name registrants, are there corresponding remedies? This is where we left it here. So here we are in the straw proposal. ADCs must rely on applicable legal, contractual, and operational safeguards and must be implemented in a manner that is

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proportionate, evidence-based, and designed to minimize unintended impacts on legitimate registrants taking reasonable measures to reduce the risk of false positives or erroneous associations. This is similar to the recommendations and responses made in charter question four and five. The working group discussed and noted that existing procedures, contractual obligations, and legal framework provide safeguards relevant to conducting ADC. The working group noted that certain remedy-related issues, particularly those connected to mitigation actions such as suspension or takedown, fall outside the scope of the current PDP and more appropriately addressed through future policy development efforts, as noted in the issues report.

Pending discussion. Coming up, we'll be discussing impact assessment, potential adverse impacts, and charter questions and recs will be updated once initial impact assessment is discussed. So we're coming to that. Any comments on this straw proposal to charter question five? And we have Noom and then Mark.

NAOUM MENGOU DIS:

Yes. Thank you. I don't think we are answering the question. This is just some boilerplate text that we have repeated previously. I think maybe the registrar group that knows about it maybe should list the recourse mechanisms, because I remember that they mentioned that some recourse mechanisms already exist in the policies and in best practices. So maybe we should list those mechanisms, and then I would ask the NCSG to comment on them and see if we have something missing so we can patch it up.

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If we can do it briefly here and then refer everything else to a more general recourse mechanism, because it must be out of scope, like the full mechanism.

PAUL MCGRADY:

Yeah. Thanks, Noom. Absolutely encourage additions of those kinds of in-scope materials in the collaboration document so they can be captured and encourage parties like the NCSG and others to take a look at them if they are put in there. Mark, go ahead.

MARC TRACHTENBERG:

I think my comment may be partially similar to something that Noom said, but I think this first paragraph doesn't answer the question and should be stricken. The question is, if the associated domain checks have an adverse impact on domain name registrant, are there corresponding remedies? And the first paragraph is not a response to that question. It's just a different statement that may be ancillary related to this topic, but it's not an answer to the question, right? Because the question is if there's adverse impacts, not what all the steps are that the registrars have to take or anything else.

The second paragraph is an answer to the question. People may not agree with it, but it is an answer. But the first paragraph is not, and so I propose striking it. Maybe the language goes somewhere else as an answer to some other question, but not here.

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PAUL MCGRADY: Got you. Maybe it's labeled background, and then the second paragraph is labeled response to question. Ching?

MARC TRACHTENBERG: Why do you need the background and the answer to the question? You just answered the question.

PAUL MCGRADY: All right. Are you done, Mark? I want to go ahead and move on to Ching.

MARC TRACHTENBERG: Sorry.

PAUL MCGRADY: Okay. Ching, go ahead.

CHING CHIAO: Thank you, Paul. This is Ching from the BC. Yeah, I agree with Noom and Mark, and I think when we discuss this question at the first place is we're trying to make a real distinction between the ADC itself and the mitigation. So I think the background was added here. I think it has-- Yeah, you're both correct. It's kind of like a statement saying, and after the second or third read, it feels to me that because we don't know what's inside the ADC, for example, one registrar created an ADC group, a legitimate, let's say any registrant wouldn't know that what's in the ADC because only that particular registrar would know. So we wouldn't be able to know what needs to be done in terms of fixing, or if anything

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goes wrong, we don't know what would be the remedy. We don't know what to do, so we don't know what to address to this question. Thanks.

PAUL MCGRADY:

Thanks, Ching. Volker?

VOLKER GREIMANN:

Yes. Thank you. And I agree with both what Mark and Ching said, that the remedies are probably best defined in a loose way, as in registrars should take all necessary precautions to remedy any negative effects on registrants.

Because ultimately, with regards to ADCs, one concern that I've always had and that materializes from time to time, is that when humans work, they are prone to make mistakes. Sometimes you take down a domain name that you shouldn't have taken down, and by forcing ADCs, that might result in compounding the issue. Imagine a case where a reseller of a reseller has a brand name portfolio that they manage for a certain brand owner, and the brand owner also employs abuse reporting service, cyber whatever, and they report one of the staging domains of that reporter as a fraudulent copy of the original. You look at that, yes, it's the same, and that is you'd misidentify it as fraudulent, and then you proceed to conduct the ADC and find the rest of the domain portfolio of that reseller, of that registrant, and proceed to take down the exact same domain name portfolio.

Obviously, there's a high-risk potential there that we constantly work to avoid by making sure that our checks are as thorough as possible. But

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nevertheless, the risk remains and the compounding factor that ADCs have obviously remains. So, we might want to flag that here, that compounding mistakes on the abuse mitigation or abuse reviews can have a negative impact on registrants by taking down their entire legitimate portfolios. But I don't think we should be very detailed on the remedies. Thank you.

PAUL MCGRADY:

Thanks, Volker. So that's more information for the background paragraph, but no change to the answer, sounds like? Okay. We have Gabriel.

GABRIEL ANDREWS:

Hi, all. I just wanted to reiterate that the GAC has suggested and has shown an interest in participating in a conversation on remedies outside the context of this narrowly scoped PDP to address remedies. Noting that can include situations which are associated with both mitigation action taken absent an ADC or mitigation action that follows an ADC, but it would be a relevant conversation to have outside of this more constrained scope of work. Over.

PAUL MCGRADY:

Thanks, Gabriel. All right, Yao.

YAO AMEVI AMESSINOU SOSSOU:

Thank you, Paul. I just want to mention on the issue of the remedy point, I am cautiously saying that mitigation-related remedy,

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yeah, of course, from this period might be out of scope, but the PDP cannot design a full appeal or takedown remedy mechanism. Of course, it should at least recognize that adverse impact from the ADC required a clear path for the correction where there's a false positive and erroneous association.

But from I would say NCSG perspective, the minimum remedy should include notice where appropriate documentation of the basis of the actions, the possibility for the affected registrant to challenge or correct information, and the timely restoration or correction where the correction was wrong. So maybe, otherwise, we could create an obligation to conduct ADC without giving registrant a meaningful way to address harm caused by mistakes. Thank you.

PAUL MCGRADY:

Thanks, Yao. I get it. I am struggling, though, because I understand that an ADC gone wrong could, as Volker says, I don't take Volker's words, but I got my words, amplify something happening at the DNS abuse mitigation moment that would make that a bigger moment than it otherwise would have been. But conceptually, that seems different than a harm caused by the ADC itself, right? And we talked and we struggled to try to figure out what the harm was of a registrar looking at its own data. I also don't know how a registrant would ever have visibility into whether or not a registrar looked at their own data and tried to associate domain names about a particular registrant. And so again, I don't know how to bridge that. So maybe, Yao, you can come back in or somebody else can come back in and talk about that a bit more. Mark, go ahead.

MARC TRACHTENBERG: I would yield to Yao coming back in because my question was really for him of trying to understand his comment of whether he was suggesting that the registrants— I thought he said notice somewhere. And so I have similar questions about how the registrants of these domain names would know, and how that could be tracked of anyone having a remedy anyway, but I'll yield to him to explain maybe more of his comment.

PAUL MCGRADY: Yeah. Thanks, Mark. Only, Yao, only if you want to. And I see something in the chat from Reg where she says, "They'll never find out, is not a good argument." I agree with that entirely. I just don't know how they would find out. That's my question, right? Which is because these ADC checks aren't being published. And so Reg's comment actually sort of makes me even more curious about how we bridge that. So, I don't see Yao's hand going back up. Let's hear from-- Oh, Mark. Oh, great. Yao, you're back. Go ahead.

YAO AMEVI AMESSINOU SOSSOU: Yes, Mark. Sorry. I was trying to unmute myself. So just to clarify, I think my point was on the remedy here. I understand the PDP may not be the right place to design the full appeal mechanism for every mitigation action, especially suspension or takedown. But ADC itself creates or contributes to harm in a way—could contribute to harm for a legitimate registrant—that then the policy should not be silent on what happens next in that case, for example. Like the ADC here is not about the original reported domain. It can lead to other domains being

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identified as associated with the abuse, right? Then that creates a real risk of false positives, especially when the association is based on limited indicators, like reseller's data, shared infrastructure, privacy service, host pattern, payment, all these things.

But then, so that's why I said earlier that for remedy, it is not necessarily meant to be complex, like a new litigation-style process. I mean, minimum correction safeguards. For example, appropriate, the affected registrant should receive notice, or at least have access to the basis of the decisions, and then, therefore, the documentation of why the domain was treated as associated, and then a way to challenge or correct the erroneous association, or where the mistake is confirmed and should be timely corrected and restored or revoked. So without this, I think we will create an obligation to conduct ADC, but leave a legitimate registrant without means, a meaningful path, when ADC produces wrong results. So that's the perspective I wanted to share. I don't know if it's more clear. Thank you.

MARC TRACHTENBERG:

Right. I agree with Reg that they'll never find out isn't a good argument, but I also agree with Paul that, how would the registrant ever know that they were the subject of the ADC? And I think this is the problem with the entire ADC process, which is no one will ever know, right? There's not any way to audit it. The reporter's not going to know whether the ADC was done, and no one's going to ever know. And this is a gigantic existential problem with this PDP, that there's no visibility or transparency to whether any registrar's actually doing this and not any good way for ICANN to check, because no one can ever report it.

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And so I think to the extent that maybe Yao's suggestion was that the registrar has to document every ADC so there's some record of why they did that, so that someone could challenge it later. One, I don't know whether there's any sort of reasonable chance for anyone to challenge it, but also it seems like now we're adding a lot of heavy obligation to the registrar to document all this stuff and I think we've had other objections previously that it's too burdensome to document every ADC check that's ever done and what the decision was.

PAUL MCGRADY:

Thanks, Mark. Before we go on to Reg, I guess, Mark, I'm a bit puzzled by that comment because don't registrars have to document this in case ICANN compliance calls up and asks about all the reasonableness and all the time frames and all the doing?

MARC TRACHTENBERG:

I don't think this is something we ever established. This is something for later. This is a comment that I've, and I think some others have made before about how do you even audit this, right? How does one check this? And I think the suggestion from registrars is that it's too burdensome, and I'm not commenting on whether it is or not, I'm just saying I think the comment from registrars said it was too burdensome—

PAUL MCGRADY:

Yeah

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MARC TRACHTENBERG: ...to document every ADC that's done, especially if you're using multiple vectors and everything else, and your reason for doing it, and it seems like that might actually be quite burdensome. And so I think that is still an open question, and it's not established of what sort of documentation the registrar has to make of its ADC and why it made that decision.

PAUL MCGRADY: Got it. So yeah, there is an open charter question on this that we will be addressing. I guess I was asking the more basic question that I don't think that there's anybody that's been... I shouldn't say that. It never occurred to me that anybody who had read through the charter questions or listened to our conversations thought that registrars wouldn't have to keep records. And so that's all I was challenging. Reg, go ahead.

REG LEVY: Yeah. And my understanding was that we didn't have to create new records. But you asked in the chat for me to discuss how data subjects choose to exercise their rights, and we, as I said, regularly get requests from data subjects saying, "Hey, I used to own a domain name with Tucows. I've deleted it. I want you to purge all of my data, and if you don't, tell me what you're keeping and why."

And to the extent that we would need to create new documentation to prove that we've completed this associated domains check, then that could be a piece of what we would then need to maintain for at least two years post-registration, because that's, excuse me, 18 months

post-deletion. Because that's what's required by ICANN. So in each case, we need to say, "Here are the categories of data that we continue to have for you and why we're still keeping them." That is a requirement under law. So just keep that in the background of all of your deliberations about what documentation we need to start creating, because that is just additional work for us, which I know that everybody here is super into anyway.

PAUL MCGRADY:

Thanks, Reg. And I appreciate you hopping back on to talk about that because these ADC checks are not going to be exempt from disclosure requirements under the privacy laws, right? Somebody asks about it, they'll have to figure out how, well, registrars will have to figure out how to do that.

All right. I think that's it for question five in terms of the queue. Let's hop on to question six. We got about 10 minutes left here to look at this one. Charter question six, straw proposal, current language. What are appropriate timelines and thresholds for initiating and concluding the associated domain check? The working group discussed that that registrar must initiate and conduct an ADC promptly following the trigger as recommended in charter question one, meaning receipt or identification of actionable evidence of DNS abuse, taking into account the specific circumstances of each case. For the avoidance of a doubt, this requirement does not extend to compromised domains. In determining what constitutes prompt initiation and completion of an ADC, relevant considerations may include the severity and immediacy of the DNS abuse, the scale and complexity of the abuse activity under

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review, the need to minimize collateral impact on legitimate registrants, and operational realities and information available. As you can see, we track there fairly closely with the

The promptly advisory from compliance on abuse mitigation. Still pending discussion. We have the IPC asking to consider a seventy-two hour, I think we have that wrong, timeline. It's not on initiation, it's on completion. Working group members asked to consider a twenty-four hours to initiate, and working group members asked to consider prompt, but no later than seventy-two hours. I'm not sure that the last bullet point really was where we were.

So we have essentially four options, if I'm recalling correctly. Option one is promptly. Full stop. Option two is must begin within twenty-four hours. That's the BC proposal. Option three is must conclude within seventy-two hours. That's the IPC proposal. And I threw out on the chat promptly, which absent extraordinary circumstances would mean begin within twenty-four and end within seventy-two, just to put some kind of timeframe, influential but not binding timeframe around it.

And so that's where we are. We went through the promptly, what that means to ICANN compliance, and we have about, I don't know, five, maybe six minutes left on this particular item. So let's dig in. Can we reconcile these timeframes? Right now it seemed to me that most people were congealing around promptly. But maybe there's movement over the week as we've considered it. Maybe somebody fell in love with what I put on the list. Anything's possible. All right. Eberhard, go ahead.

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EBERHARD LISSE: Hi there. You saw my little email to the list. I'm very much in favor of prompt. What I am missing is that the, I think it's the business constituency that asked for fixed timeline. I cannot recall the reasoning why they should have fixed timeline when the registrar agreement says promptly. If that could be explained, that would be very helpful.

PAUL MCGRADY: Thanks, Eberhard. We have Ching to explain it maybe.

CHING CHIAO: Yeah. Thank you, Paul. Thank you for the question. So I guess because the question would actually ask us to have the appropriate timeline and threshold for initiating and concluding. So that's why they come up with the timeline, because the question is, the charter question was asked about it. Thanks.

PAUL MCGRADY: Thanks, Ching. Any other comments on this item? I see Yao's intervention in the chat. I'm going to read it. But Yao, you should feel free to jump in. "ADC is not always a simple check. It may involve evaluating associated domains, reviewing available indicators, and avoiding false positive. If the timeline is too rigid, registrars may feel pushed to act quickly, but inaccurately, which could create collateral harm for legitimate registrants." We got a plus one from Reg on that.

And so that comment to me seems mostly to be directed at the concluded by seventy-two hours that the IPC is suggesting, or my absent extraordinary circumstances or unusual circumstances, completed

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within seventy-two hours. Because even the suggestion of seventy-two hours, even if it is not mandatory, may make people feel like they need to rush. Reg, your hand's up. Go ahead.

REG LEVY: Yeah, just commenting in support of prompt rather than a prescriptive timeline.

PAUL MCGRADY: Thanks, Reg. All right. Anybody other than Ching coming forward to support the twenty-four hour minimum, the seventy-two hour cap, or my hybrid proposal? Going once. Ching, go ahead.

CHING CHIAO: Yes, Paul, since you asked, so BC is in support of the version that you proposed, the hybrid one, and also knowing that, yeah, we probably shouldn't rush to reach the finish line in seventy-two hours because of there will be names that needs to be discovered. But basically, yes, we agree to your hybrid version. Thanks.

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

MARY PENN: Mary from the IPC. Just wanted to echo that the IPC could get behind your solution. I think that is a good compromise, and I think it's

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important just to note the distinction between the purposes of an ADC versus the mitigation.

An ADC is inherently diagnostic, and it's intended to be investigatory. So having any sort of timelines is different than what would be required under the RAA for mitigation purposes. They're two completely separate things. So I think it's okay that there could be a departure given the distinction in what it's doing, the purpose, and then how that plays out.

PAUL MCGRADY: Thanks, Mary. Okay. So Reg, go ahead.

REG LEVY: Yeah, sorry. I don't really see this as the hybrid model. I see this as the IPC model. And it still has prescriptive timelines that I don't think are appropriate for this. I don't understand why we would go beyond what actual mitigation of abuse requires to find associated domains.

PAUL MCGRADY: Thanks, Reg. Okay. Any other comments on this?

All right. I think there was enough support for this attempt at compromise. Maybe it needs to be softened in some way. Maybe not. But I think it has, I suppose, survived to continue to be considered in the collaboration document, along with a purely promptly. I think that the standalone BC proposal and the standalone IPC proposals are not getting the traction. So let's see if we can either work towards the

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compromise position or stick with promptly. However it turns out. Noom, go ahead.

NAOUM MENGOU DIS:

Thank you. Just a last comment. Maybe we should ask compliance if they ever had any case where they considered three days promptly or something. Because as I understand it, promptly usually is less than 72 hours. So maybe if compliance itself does not think that 72 hours is promptly enough, so it solves a problem. Why put a cap on it if it will always be less than 72 hours?

PAUL MCGRADY:

Thanks, Noom. And I think that's an important thing, right, where promptly perhaps is the recommendation and the implementation guidance is the something else. So let's give that some thought in the collaboration document as well.

All right. We're over time by a minute, so let's keep going. Next steps on impact assessments. We have been working on this as a leadership team, along with staff. So, so far we have working groups discuss charter questions one through seven, including questions that considered potential impacts on human rights and data protection. As suggested by working group member staff and the leadership team, we're using the working group discussions and input to pair a scoped assessment of potential human rights and data protection impacts. The scoped assessment is intended to help document and stabilize the current preliminary recommendation language, and is not intended to replace the full comprehensive impact assessment. So for anybody that's

concerned we are preempting the large, fulsome impact assessments at the end, we're not. We're just using this, as we talked about from the very beginning of the PDP, as a tool to help stabilize the language so that we're not having to litigate fresh issues at the end that we've not talked about. Once all the charter questions have been reviewed and the recommended language further stabilizes, the working group will conduct the final impact assessments. And this approach was proposed by community members during ICANN 85, and the PDP has sought to reflect and operationalize that as we go.

So the scoped model is a good idea because it reduces rework later, forces early detection of issues, keeps recommendations grounded while drafting. The scoped impact assessment does not replace final impact assessment on all charter questions and recommendations. And we are working hard to develop that scoped impact assessment for everybody's review. We are aiming for Thursday next week, and working group members are asked to review that scoped human rights and data protection assessments and identify any areas that may be missing, unclear, or inaccurately represented. So there will be work to do. And we got some links in here for everybody that are useful for understanding why we're doing this and how it's all going to work.

All right. On the human rights questions, we'll be looking at who's affected, which groups or stakeholders could be impacted. Are any groups more affected than others? What action is being proposed, and what is the objective? Is the objective legitimate and consistent with ICANN's mission? Is the action necessary? Is the action proportionate? Who was consulted from the groups most affected by this action? What did they say? For the rights below, would the proposed action have

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adverse impact? Are there any other rights not listed above that could... Well, I guess below, that could be relevant given the specific nature of the action? If any right is affected, note how likely the harm is, how serious it would be, and whether it could be undone. Those rights are the right to privacy, freedom of expression, due process, freedom of association, and non-discrimination.

For the data protection questions, we're looking at what personal data is involved and who does it relate to? What processing is proposed, and for what purpose? Is the processing necessary and limited to what is required? What are the privacy risks, and how severe are they? And what safeguards, controls, and accountability mechanisms exist for each of these?

All right. So that is what the scoped assessment will look like. So stay tuned. We're working to get that out as fast as we can. And we have five minutes left for any other business. Does anybody have any other business? Farzaneh, go ahead.

FARZANEH BADI:

Hi. I'm sorry. So you asked us for examples, and we did send the examples that we had in mind to the mailing list. And through the examples, we want to explain the impact on the registrants and the end users in general, the potential impact. But, so would be grateful for your comments and discussion on those examples. But there are several things that we appreciate if you keep in mind. Examples are always imperfect, and this is why, and we cannot predict all the impact that can happen as a result of our investigation on the registrants and the end

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user in general, on their access, on their freedom of speech, and a host of other rights. So, in order to actually reduce the risk on the registrants and the end user, we need to come up with safeguards.

And safeguards are just saying that we are just talking about maliciously registered domains and not compromised domain is not a safeguard. We need to talk about how do we actually do that. How do we ensure that the registrars actually only consider a maliciously registered domain? And if that's even possible, it can be registrars might have difficulty understanding or finding and diagnosing that something is maliciously registered or not. So that's not a safeguard.

And then another thing that we have been talking about is the matter of remedy, which Yao also mentioned. It is not enough to say that we are not talking about suspension, and it's not going to lead to suspending the domain. We need to have safeguarding in place. But we see quite a bit of resistance in this group to come up with remedies. So we suggest that maybe in the advisory documents, we can talk about what sort of means of complaint mechanisms are available to the registrants if something goes wrong. Thank you.

PAUL MCGRADY:

Thanks, Farzaneh. Appreciate that. All right. We have two minutes left. No more hands, so let's call it. Thank you all for a great call. And we will be looking forward to seeing you all in the collaboration document, in the draft recommendation document, on emails, and in our next call next week. Have a great day.

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