JULIE BISLAND: Good morning, good afternoon, good evening, everyone. This is Julie for the Record. Welcome to the DNS Abuse Mitigation PDP 1 Working Group Call taking place on Monday, the 27th of July, 2026.

For today's call, we have apologies from Volker Greimann, RrSG, Paul McGrady, our Chair, Matt Thomas, SSAC, Kathleen Scoggin, ALAC, and Anil Jain, ISPCP. The alternates replacing are Theo Geurts, RrSG, Nick Wenban-Smith, our Vice Chair, Gautam Akiwate, SSAC, and Eunice Perez, ALAC.

Statements of interest must be kept up to date. Does anyone have any updates to share? If so, go ahead and raise your hand or speak up now. And seeing no one, members, participants, and alternates will be promoted to panelists. Please watch your screen for the prompt to be promoted.

As a reminder, though, only members and participants may participate on the call. Alternates should not participate verbally or via Zoom chat, unless they've been asked to replace the member or participant of their group or committee in their absence. Observers will remain as an attendee and will have access to view chat only. Please remember to state your name before speaking for the recording.

And as a reminder, participation in ICANN, including this session, is governed by the ICANN Expected Standards of Behavior, the ICANN Community Anti-Harassment Policy, and the ICANN Community Participant Code of Conduct. With that, I will turn it over to Nick Wenban-Smith. Thanks, Nick.

NICK WENBAN-SMITH: Thank you very much, Julie. It's Nick Wenban-Smith here for the record, the deputizing chair of this working group meeting for today. Paul is taking a well-deserved break and I believe is traveling. So, you have the B team in place. So, you can see the agenda. The slides have been circulated. Thanks, staff, for helping me with that. That was really nice.

In terms of the timing, are there any items of any other business that people want to flag? If so, please drop them in the chat or raise a hand just so that I can allow enough time to consider them. But as you can see, the main bulk of today's meeting is the read-through of the initial report and the impact assessment. So, I want to try and focus the time on that as much as useful. Okay, I see nothing which is helpful. Thank you, everybody.

So, PDP Updates, here we go. The timeline. So, what we outlined previously is this lead up to the consensus call and the comment period. The comment period has to be 40 days. So, to maximize the time in Bali, it would be really good to have got the comments in so that we have something to look at for the Bali meeting. That's the thinking on the timeline. So, that means putting out the comments sort of in August, mid-August, shortly after the 10th of August timeline so that we get the comments back and can read them and then come prepared for the Bali meeting. So, with that in mind, working back to today, that gives us, if you count today, three more meetings to go through the initial report.

So, go through to the next slide. You can see here, this was circulated in advance, hopefully it's not a complete surprise. It's already the fourth reading through. I think Paul and I are very pleased, I think, with the

progress, but we're a little bit nervous that we're not going to be able to get through everything. And so, what we're proposing is the next couple of meetings, the third and the 10th. We didn't want to propose it for today because that's no notice at all.

But, if possible, we would like to extend these 90-minute meetings to two hours because we're getting through the comments steadily, but we seem to get a good head of steam up and some momentum. And then obviously the call ends after 90 minutes, and then we have to kind of regroup. That's been quite effective, but just to close through the comments, hardly any new comments have been made since the last meeting. So, we would like to give ourselves the option of extending those calls out by an extra 30 minutes to make sure that we do get through everything and hit the timeline.

Are there any objections to that proposal or any thoughts? I'm happy to accept what everything is saying. Okay, no objections so far. I appreciate that I don't like putting things in people's diaries and then extending it. I'd much rather do it the other way around, to give ourselves two hours and then reduce it so you get time back rather than have to carve out time when you might have made other plans. So, thank you very much for your indulgence when we try and do that. If we manage to get through it quicker, that's all good as well. But let's try to not put ourselves in time pressure and give ourselves the time to go through the final comments and to do the justice.

Thank you actually very much everybody for the continued engagement on the chat and discussion on the issues. Farell just says, is anything being shared? He has a black screen. We can see slides which staff are

sharing and the current slide just says updated draft report. So, I don't know if that's a connectivity issue on your side, Farell, because I can see that if anyone else has got any issues, please let us know. But it looks all good to me.

Okay, so what we have done, hopefully as everybody's seen, and we've tried to be kind to people, particularly in the US time zones, to give everybody a bit of actual working time during their actual working week, as opposed to their weekends, to be able to go through these comments and prepare a bit for these meetings. It is getting easier, I hope, because we're honing in on the final, final details. There's not too many new comments being made, but we want to give everybody a good chance to look through the text. Okay, thanks, Jim. So, we are trying to give people a sort of a reasonable opportunity to read through so that they can come to these meetings prepared and we manage to get through the work.

So, with that in mind, I did read through the latest report and it's showing some good progress. So, I think there's no point going through everything that we went previously, but this slide obviously summarizes the acceptance of suggestions or not and gives us a bit of a status as to where we got to in the previous ones. These started with the highest impact, substantive comments was the methodology. Any questions or queries on that? I'm trying to keep an eye on everything, seeing none. Okay, if we move on to the next slide.

So, let's go through the fourth read, then we can carry on continuing. There have been a couple of points raised in the chat and the group email list since the previous meeting. I think very helpful, Dennis

pointed out that in terms of there's a section of slightly curiously worded registrant benefits in the existing wording of the registrar accreditation agreement, which does give or it makes it clear really that registrants are required to be given accurate and accessible information, how to raise concerns and resolve disputes with the registrar and summarize.

I hope people have had a chance to look at that because I see that Reg and Farsi basically pointed out that that's a helpful clarification. It's existing wording in the registrar accreditation agreement. It doesn't just apply to the DNS abuse obligations or the ADC checks. It's an overarching principle in the existing wording of the RRA. I think that was raised fairly late on Friday, but it's had a couple of comments and support. I think what we will do as the leadership team, we already discussed how registrant recourse type stuff was going to be highlighted to council as an out of scope, but an important point that came up in the course of these PDP discussions. I think we should capture that existing obligation in that feedback to council so that they can come on the same learning path that we've all been through. Farzaneh, I see your hand's up.

FARZANEH BADII: Hi, yes. Hi, Nick. So, this is an issue we raised and we were aware of the registrar rights. Well, it's not rights, it's responsibility and benefits.

NICK WENBAN-SMITH: Benefits, yes.

FARZANEH BADII: Yes. So, we were aware of that. The issue that we have seen is that the registrar just declares that they have finalized and tells the registrant that there is no, that this is like a final decision. And so, we just wanted to, if possible, we can remind the registrar that the registrant can respond and raise concerns about the ADC. But of course, this is not remedy on its own, and it has many shortcomings and we can discuss it later. But that was the rationale that we wanted it to be added to the document, but it seems like the group is going to another direction. And we will talk about it later on other groups. Thank you.

NICK WENBAN-SMITH: No, thank you for that comment. And it's an ongoing thorn in the side, particularly for the NCSG. And I think you have been heard and we are mindful that that is an area which hasn't been looked at and isn't currently adequately addressed, but it's not within the scope of our charter. So, I think it really raises a whole load of other kind of questions, not just on ADC, but a whole load of other areas of registrant rights, should we call it, or benefits as it's in there, which may similarly be inadequately addressed in the current frameworks and contracts.

FARZANEH BADII: I'm so sorry, Nick, just, I don't want to repeat myself again and again. I think that we need to change the framing that we use to call this out of scope. Remedy is specifically mentioned in our charter. If the group has decided not to address the issue, that's another matter. I think that in the future iteration, we should just say that we decided not to address

remedy in this working group and we want the council to have a look at it. And I think that we should refrain from saying it was out of scope. Thank you.

NICK WENBAN-SMITH: Thanks. Take that on board. Thank you. Fine. And the other questions which have been progressing is in relation to this carve out of compromised domains within the trigger. So, only domains which are domains maliciously registered should be the ones which trigger the requirement for an ADC.

And I think my reading of all the comments is that there's a broad agreement on the principle and there's sort of slight adjustments in the wording as to how do you carve out the compromised domains. And we've seen some ongoing chat there. So, we'll take that away and see if we can come up with something which seems to keep everybody happy because we can't see any differences in principle that compromised domains absolutely are not part of the ADC trigger requirement.

So, moving on to the next changes. So, this is quite a tricky thing to do in terms of all of the text. But you can see here line 290. This is the other thing about whether it's still line 290. But I think it is still line 290. Let me pull it up. Is it worth going to the actual recommendation doc? There we go. Perfect, yeah.

So, the number slightly changing with the text changes. It changes the line numbering. So, you have to be very patient with me. So, this is our reflection on the discussions in relation to the ADC guardrails, if you like. That essentially the ADC must be conducted in compliance with

applicable law, including data privacy laws consistent with internationally recognized data protection and privacy principles and ICANN contractual requirements. So, I'll take a cue on this. Marc, I see your fastest finger. And then Farzaneh.

MARC TRACHTENBERG: I think the comment here is not about this line. It's about the highlighted language, which is the issue of whether or not the registrars have to create records documenting their compliance with the ADC. And we think that they definitely should have to. And because the ADC is not an existing requirement, that will logically and necessarily require the creation of some new business records. We don't want them to be owners, but they should be some reasonable amount of records because otherwise there is no way to determine whether the registrar has complied with the ADC.

There already is not really any way to report a registrar for not complying because no one will ever know. It's not transparent. There's no way for ICANN compliance to ever know except theoretically through some sort of rolling audits. But even if somehow ICANN compliance were alerted and tried to investigate, there's nothing to investigate if there's no records. So, that is the issue that myself and the BC, and IPC, and I think Gabe have been raising.

NICK WENBAN-SMITH: Got it. Farzaneh, you're next.

FARZANEH BADII: All right. So, this recommendation, we need a little bit of more time to discuss it in depth because there were some changes, especially in the preliminary implementation guidance, that changed must to should, which Brian had suggested. And we were kind of like discussing that.

And I saw that last week you also discussed it. So, I think that generally, I think this recommendation needs more work because we prefer, as NCSG, we prefer that the safeguards be in the recommendation. And at the moment, I don't know if a decision has been made on that. So, we want those safeguards, the risk of over-association, stuff like that, to be in the recommendation and not just as implementation guidance.

And I added this language that's consistent with international recognized data protection and privacy principles so that the registrars don't feel that if there's no law, they cannot protect the registrant and their data. And they can use internationally recognized privacy and data protection principles in order to conduct ADC. It's not a language that obliges them to do that. It's just a language that adds to the applicable law.

NICK WENBAN-SMITH: Thank you. And if you see, what we're proposing in terms of this data collection point is a refinement of the problematic wording in the orange. I'll come to you in a sec, Reg, and then Theo.

A registrar is expected to conduct and document because that's also part of the other recommendations, an ADC using the reasonably accessible information and is not expected to collect or generate additional new categories of data for the purposes of conducting the

ADC beyond the documentation required to demonstrate compliance with the policy. I think that speaks to Mark's point.

So, we've heard these comments made. We've heard the comments made for registrars in terms of the bureaucratic burden. We've heard the comments made by the BC/IPC representatives around, well, you can't have a complete vacuum because then how do you assess whether there's any compliance? So, I think it's clear from the chart that there is, it's supposed to be a policy which registrars can demonstrate compliance within the same way that they demonstrate compliance with existing obligations.

Reg, you're going to tell me now that I've got the wrong end of the stick. Maybe we're sort of getting a bit sort of philosophical about the categories of data. What we've tried to do is to say, to get the two things balanced, that this is not supposed to be an exercise in more bureaucratic reports and systems, etc., etc., but you still have to be able to establish compliance obligations with it. So, as long as you can establish compliance, then there's a tick in the box in terms of the documenting and reporting, but no more than that. But compliance or not, I see Jothan. Reg, you're next. Thank you for being so patient.

REG LEVY: Thanks. So, there are a lot of people on this call who have clearly never been on the business end of an ICANN audit. I think the adjustment to this sentence that I would suggest is to remove for the purpose of ADC, so that it reads that we must not be required to collect or generate new data solely for, sorry, for the purpose of demonstrating compliance.

As Marc said, this is a new system. This is a new policy. This is a new feature, right? So, it is likely the case that some type of logs will be generated, not necessarily, but potentially, and that those would be the logs that we could then use to demonstrate that compliance. But in reality, what's going to happen is that I'm going to suspend a domain, and then I'm going to turn around and look at the list of domains in that person's account. And then I'm going to make a judgment call.

And there's probably a log that I was logged in, and maybe a log that I was looking at the list of domains, but anything beyond that is going to be honestly onerous because of how many of these we get and how many of these we deal with. If once I've made a determination, I have to turn around and write somewhere, logged into X account and reviewed 15 domains and made a determination, that extends the amount of time that we've worked on a single abuse case by double. And that means that we're not actually mitigating abuse, we're just creating records for the sake of record creation.

So again, as I've indicated, our system logs what we do because we want to make sure that Reg Levy isn't just randomly looking at Nick's account to see what domains he has. But that's it. Like, that's enough. And when ICANN comes to us and says, hey, did you run an ADC? We can pull those logs and say, well, it looks like the domain was suspended at 12:00. And within 10 minutes, the person that made that suspension logged in and looked at the account. So, yes. And again, from the standpoint of having dealt with ICANN compliance, that is sufficient. Those are records. So, we should not be required to create things just to demonstrate compliance.

NICK WENBAN-SMITH: Thank you. I think that point, yes, is not a novel point. And you made it very, very clearly and forcefully in the past. Theo, Gabe, and then Marc.

THEO GEURTS: Yeah, thanks. And this is Theo for the record. So, I'm a little bit stuck on the generate new data. I don't see where that's coming from, in a sense, from a technical perspective. I mean, the IRA already forces us, when there is a report of phishing and it's actionable, to suspend it. So, there's a whole technical process on the background there.

The only thing that this policy does is expanding the scope for the investigator. When you receive the report, you're not just going to solely look at the one domain name. You're going to expand your investigation. And if it's warranted, you're going to suspend more domain names. But from a technical perspective, nothing changes. I mean, the commands that are being sent to the registry are the same. The processes, what you're doing for one domain name or 100 domain names, are the same. You make sure that everything is being logged, who is doing what within the system, because there's multiple laws around this. NIS2 is one of them. User controls need to be in place.

So, it's all being logged from a technical perspective. The commands that we send to the registry are 30 years old, nothing new there. So, I don't see where we're going to generate new data there. So, when ICANN compliance comes, and this is already the case, because due to the contractual obligations that we have when it comes to phishing, botnets, malware, and so on, it doesn't matter if you're dealing with one

domain name you're taking down or 100 domain names taken down due to the ADC. So, from a compliance perspective, there's no change. A technical perspective, there's no change, and we're not generating heaps of new data. Thanks.

NICK WENBAN-SMITH: Yeah, I mean, obviously, you and registrars who already conduct a lot of these ADC checks, right? So, presumably, you would know if someone came to say, hey, show that you did this ADC. There's ways that you could show that it had been done if there was a doubt that you had been doing it in terms of a compliance obligation.

I've got Gabe next, and then Marc, and then actually, I'd like to call on Leticia from the ICANN compliance side of things, just to sort of give us a bit more information about ICANN's ability to enforce compliance of the ADC obligations and what sort of minimum obligations needs to be put in there in terms of policy recommendations, because that would be quite helpful, I think, for everybody.

GABRIEL ANDREWS: Okay, my go? This is Gabriel.

NICK WENBAN-SMITH: Yeah, go for it.

GABRIEL ANDREWS: Okay, so I think I'm hearing two reasonable concerns. So, from Marc and from Reg, and I'm going to try to paraphrase, but I think from Reg, you don't want to be told by ICANN exactly how you keep your logs and your records is the gist of it. I think that there's an expectation, however, and from Marc and from myself and from others, that if and when an ADC should have been done, that the registrar be able to show ICANN compliance that it was done.

And so, I don't think these are mutually exclusive. I think that the language here is perhaps approaching it from the wrong angle. I think if you had language that just makes it clear that if ICANN compliance determines an ADC should have been done, it's the responsibility of the registrar to be able to demonstrate that to compliance.

But we should not be in the position of telling the registrar exactly how they log it and how they create records for that, so long as it matches the need. So, I'm going to toss in chat a lot of language that I think kind of threads the needle there, but I think it's just because this language was approaching it from the wrong end. I don't see this as being an insolvable issue myself here in the comments. If my language in the chat is horrible, tell me, but I'm just trying to propose alternate texts.

NICK WENBAN-SMITH: No, thanks, Gabe, for that. And I think when we're looking at the -- this is, I suppose, what we were thinking about it. When you look at the whole preliminary report as a whole document, there's the compliance and enforcement section, which is a separate section in eight, I think it is. So, that also deals with the compliance aspects of it, or this isn't

actually about the compliance. Recommendation 5 is not about compliance as such, right?

So, we need to also take into account that we don't want to put in something in Recommendation 5, which makes it unclear as to what we're saying in Recommendation 8. So, that's something else to sort of just bear that in mind. Thank you. Okay, I've got -- Gabe, I think that's an old hand. So, Marc, and then Leticia, if that's possible.

MARC TRACHTENBERG: Right. So, I think at least in chat, we have maybe some agreements on the list. I'm sorry, on the language change, which is maybe to just remove and or demonstrating compliance, because I agree that we seem to agree that the registrar should not be required to collect additional things that they don't already have access to for the ADC. So, I don't think there's any sort of disagreement with that. And I also agree with your comment, Nick, that the language about compliance probably goes in a different recommendation. It's just we should clear up this language to not create a contradiction and create confusion.

So I think we accomplished that by just getting rid of and or demonstrating compliance, which it looks like the registries and the registrars are okay with. So, maybe that's okay. And then we just address this other issue in the other recommendations that address record keeping and compliance stuff. Because at the end of the day, if there's no record or there's no records for how the registrar, if they conducted the ADC or how, there's nothing for compliance to look at. And this whole policy is meaningless.

I'm not saying that we have to specify exactly what records the registrars create to be clear. But, you know, I like, you know, I read Gabe's language again later, I kind of like the concept of where it's going is, you know, making clear that, look, you have to have some records of what you did, like what those are, how you do them, like, I guess we leave to your discretion, but you have to be able to demonstrate somehow that you did this and you followed the policy. Otherwise, the policy is meaningless. So, I guess for right now, could we just maybe agree?

NICK WENBAN-SMITH: I hear you. I think I also hear a sort of violent agreement, if I may, that the demonstration of compliance as part of Recommendation 5 is a bit of a red herring. And it's not actually helpful to the thrust of the recommendation at all, which is to conduct it in compliance with applicable data laws, etc., etc., etc. Reg, I'll let you go quickly, then I want to hear from Leticia, if that's possible.

REG LEVY: Leticia is in the queue before me.

NICK WENBAN-SMITH: Oh, that's interesting, because the way I see it --

REG LEVY: She didn't raise her hand. So, you said that she should go next. I agree.

NICK WENBAN-SMITH: Yeah, okay. Is that okay, Leticia?

LETICIA CASTILLO: Sure. Thanks, Reg. Hi, everyone. This is Leticia Castillo with compliance. From a contractor compliance perspective, there is a concern with the statement that categorically say that a registrar must not be required to collect or generate new data to complete the ADC. Specifically, that it could undermine the recommendation that a registrar must be able to demonstrate compliance. This is because, as you all have said, this is a new policy. Registrars that are not currently performing the ADC will need to adopt the processes that include not just conducting the ADC, but also retaining information that is enough to demonstrate that they did it, and that may be new data for them.

So, the policy categorically states that registrar must not be required to generate new data. It could create a loophole impacting the enforceability of the entire policy itself, because a registrar could claim that it conducted an ADC, but have no records to demonstrate it on the basis that it was not required to create that data when the policy took effect.

And just to be clear, they're not concerned in stating that implementing the policy and enforcing the policy registrar should not be required to create data that is not necessary, duplicative, creating a specific format, retaining it in a manner that is inconsistent with law privacy principles. But for the policy to be enforceable, registrars should be expected to maintain the records that are reasonably necessary to show that they

carry out the obligations. And for some registrars, that may mean that they need to create new records. That's enough.

NICK WENBAN-SMITH: Yeah, no, no, no, no, thank you. And I don't know if you can see the chat, but I mean, maybe this is the wrong place to put the text, which is, I think, what Marc was also saying in agreement, was that there's a whole separate recommendation around compliance issues and what does or does not meet the compliance obligations of the policy. And kind of conducting, this is more about the guardrails, right? It has to be conducted in accordance with applicable laws and privacy standards, etc., etc., etc.

I don't know whether any of that text in yellow here is helpful at this point, because if it's supposed to compliance, we'll get to Recommendation 8, we'll maybe park it here. And you can see, for example, Gabe, a bit further up in the chat, to demonstrate compliance with the ADC requirements, the registrar must provide to ICANN upon request evidence sufficient to demonstrate that an ADC was conducted. Data, logs, records used by the registrar for this purpose are left to the registrar as long as they can demonstrate the ADC was conducted in accordance with the policy, right?

And I think that's a helpful suggestion when it comes to Recommendation 8 around how do you show compliance? How does the registrar show compliance with the new policy? Reg?

REG LEVY: Thank you. So, I dropped into the chat a quote of what I heard Leticia say that, and I don't know that it goes here, but essentially that registrars are expected to maintain, and I think maintain is the appropriate phraseology. So, it's not create, it's not generate, it's not collect, but maintain records sufficient to show compliance.

And that's the case in every case. So, what Gabe said above was like, make sure that they comply with, that's already in our requirements, is that we have to provide it to ICANN. So, we don't need to reduplicate that. And that's something that I harp on incessantly whenever we're drafting policies. We don't need to repeat, repeat, repeat ourselves. But I think if we leave it at expected to maintain sufficient records to show compliance, that's what everybody's trying to get at, that we have to be able to show compliance.

And I agree with that. We just don't need to go through some sort of exercise of creating new things and etc., etc., etc. And maybe that's a difference between how I see my systems and how my systems appear from the outside. But at the end of the day, I have to be able to prove when Leticia comes knocking that I did what I said that I did. And I know that already. That's a baseline. And so, I'm happy to reiterate, you got to show it. You're expected to maintain sufficient records, but that doesn't mean that I necessarily am creating new ones.

NICK WENBAN-SMITH: Yeah. So, what you're saying is, I think if I heard you right, you don't think that of its own, without any sort of request from ICANN Compliance, you should say, oh, here's my ADC report, which I had

done. However, if ICANN Compliance come calling, you say, yeah, sure. We can show you the system logs to show that, oh, yeah, there was a malicious domain created there, required mitigation. And you can see from the logs that associated domain checks were made, and we can prove it. Is that the essence of what you're saying? Right. Got it.

But I think this is all questions for Recommendation 8. I think this whole sentence in fine is causing so much friction, if I say, because actually, this is not a sentence which fits in the safeguards section of the recommendations. It's more appropriate for the compliance section. So, I think we've heard that there, and I think we're probably minded to strike it, unless there's a sort of a strong reason to keep it here.

I think compliance should go in the recommendation and compliance, which we'll get to. And it's been a very useful and stimulating conversation for the compliance recommendation sections there. Is that, I think I saw something from you, Marc, in the chat that you were content that we strike the sentence from here and review the compliance records issue in Recommendation 8. Did I read that right? I agree with whoever was putting in the chat that there's so much stuff in the chat. It's putting my multitasking skills to the test. That's for sure. Marc.

MARC TRACHTENBERG: Yes, I think let's just remove this sentence. That's what I said in the chat. There seems to be some agreement. I think there was agreement before on or demonstrating compliance being removed, but let's just remove it all. I think this was a healthy discussion on this call. It just

was for the wrong recommendation. And so maybe let's put a pin in it and capture everything that was said and then finalize that discussion later when we're talking about the right recommendation.

NICK WENBAN-SMITH: Right. I'm going to cut a line under it there because I think we got to a good place and I don't want to snatch defeat from the jaws of victory. Good. So, Theo, did you catch that? We will collect the discussion and the thoughts around the demonstration of the compliance and records and logs versus the have a dedicated report, which I think we all heard loud and clear. If we can remove that, there will miss the purpose of having these sort of further sessions to read through is that the people get a chance to see how the text adjusts and get a chance to fully reflect on it before it's final final. So, we get there iteratively and give plenty of chance.

Okay, thank you, Theo. I see your comment in the chat there. Right. So, that was helpful, actually. Thank you very much for everybody. And thank you very much, Leticia, for your willingness to come and help everybody on this tricky question. Great. So, where are we now? So, three, six, eight.

So, policy effectiveness. I find this one quite a difficult area. And I'll just say this to sort of whatever we think now, I think looking forward to two years' time with trends and things evolving so quickly, we are going to be wrong if we're too directive. So, we want to be helpful, but not prescriptive, I would say, in terms of what we think the policy effectiveness metrics should be. You know, I think, from my

perspective, it has to be fairly generic, but we wouldn't want the review conducted in two years' time to ignore something because we specifically didn't call it out. And actually, it would be kind of a sensible thing.

And the other thing I was reflecting on before the call is that everybody knows, of course, the Tour de France finished yesterday and that this sort of cycling concept of marginal gains. And I think with this ADC, yes, it's going to hopefully help the specific issue around registrars not doing enough to look at other suspicious registrations when they've done their work. But it's not going to fix everything.

And in addition, you can't say, DNS abuse did not vanish overnight when this policy was implemented. Therefore, the policy is a bad policy or hasn't done what it is meant to do. DNS abuse could evolve and carry on in many ways, regardless of the fact that we've introduced this policy. This policy, as you know, is only one of a number of initiatives, all of which are designed to marginally improve the compliance framework around the issues within ICANN's scope.

So, I think here, where we've got to here, you can read the text in the comment, which Feo has kindly put in. I think, Feo, you have your hand up as well. But the ICANN Org review may consider both quantitative and qualitative indicators to measure whether the policy has achieved its below-noted intent. The policy's intended purpose, namely, is to establish a consistent minimum baseline across registrars when the policy obligation is triggered to ensure that compliance with the ADC obligations can be effectively assessed and enforced. And where appropriate, it's just off the bottom of the page as I'm reading it.

There we go, yeah, sorry. When obligations are not met, can contribute to the timely identification and disruption of DNS abuse campaigns through the application of ADCs, recognizing that the policy is one of several measures intended to mitigate DNS abuse. It's kind of what I was trying to say about the marginal gains in several different initiatives in this area. To support the review, ICANN should work with the IRT to identify a limited set of aggregated data points that enable ICANN org to assess whether the policy has achieved its intended outcome. Such data points should, to the extent feasible, be derived from information available to compliance.

I won't read it all out. I hope that's clear. Feo, you have your hand up.

FEODORA HAMZA: Thank you, Nick. Yes, this is Feodora from ICANN org. Just to note and to complement on what Nick said, this is the attempt to capture everything that was discussed by the working group last time, including the text in blue suggested, I think, by Eunice and also the suggestions made by Reg and Natalie last time and comments received by the group.

So, that's where this is stemming from. Important was that the group should clarify what the policy intent is, what should be achieved, and that should be measured against, while we have not provided anything in terms of what data could show that. It's just what the working group would like to achieve and see as a result of this policy. So, I just wanted to add that context. Thank you, Nick.

NICK WENBAN-SMITH: No, thank you, Feo, and thank you for giving me a break and giving everybody a break from listening to me whitter on about this stuff. Reg, and then Farzaneh.

REG LEVY: I don't remember what I was going to say on this topic. Sorry.

NICK WENBAN-SMITH: That's my fault for talking for so long. Farzaneh, you're accelerated to the top of the queue.

FARZANEH BADII: Oh, wow. What an honor. So, basically, I keep losing the comment that I keep making here. So, measuring ADC policy effectiveness cannot just have quantitative effectiveness. It should have also qualitative. So, if the policy can lead to, I don't know, like portfolio-wide review that could lead to false positives and stuff like that, that's not effective policy.

So we had suggested the language here that as well as having that like whether ICANN compliance, blah, blah, blah. We had suggested a qualitative language here, which I cannot find. I'm just going to go back and I'm going to find it and I'm going to put it in the paragraph. But it's along those lines that like, you know, the policy has not, the compliance has not led to adverse effect on domain name registrant.

NICK WENBAN-SMITH: Yeah, we have the comment and staff have kindly gone up to, I think it is the one here about proportionality and harm for legitimate holders, etc., etc. And I think we've listened to that and we've tried to, yeah, it's clearly the case that a wrongly applied ADC or rather action taken wrongly as a result of an ADC more specifically is not the intended effect of this policy, right? That's clearly not the case.

And if in this review, it is identified that, and you can see in the blue text, which is a nightmare to go through in all one time, but here at the bottom point, known or reported erroneous associations, other intended effects is part of that review. If one of the consequences of this policy is we make it worse and innocent domain registrants are suddenly hit, or there are lots of complaints noted by ICANN that this is being implied disproportionately, unlawfully, incorrectly, not in accordance with the intent of this working group to help fight domain abuse, but as actually damaging registrants in terms of over broad application and this catching innocent registrants and having as a sharp rise in wrongful domain suspensions as a result of this policy, then that is absolutely what they should be looking for, I think. And I think that's what we tried to capture in the text. So, we've tried to capture that. Martina, then Reg, then Theo.

MARTINA BARBERO: Thank you very much, Nick. My apologies, I cannot turn on the camera because I'm joining from the middle of Italy, where network connection is limited at best. So, wish me luck. I hope you hear me.

NICK WENBAN-SMITH: We hear you well.

MARTINA BARBERO: Thank you, all. Thank Italy for the moment, but let's see if it stays this way. But in any event, I just wanted to acknowledge and note that the language that you suggested, I think it's a good language to one of these in the comment that comes from the leadership team, because I think it captures this aspect of both qualitative and quantitative elements for the review. And also, it frames it in a way that we look at the objectives rather than now already thinking about specific indicators.

So, I think, maybe Farzaneh, that captures to some extent what you were saying, especially qualitative objective is surely the qualitative aspect is surely there. So, I just wanted to appreciate that. I think it's a good effort. So, I think we can build on that.

NICK WENBAN-SMITH: Thank you, Martina, Reg, and then Theo.

REG LEVY: Thanks. And I share everybody's concerns. I just about quantifying this, about measuring this. And I don't want it to become a burden on registrars that it ends up being, did you take action in 65% more situations than you did previously? Because that doesn't actually reflect DNS abuse. I mean, ideally, we would take action on fewer domains because we are improving our namespace so that we have fewer abusive domains overall.

And the landscape of DNS abuse is constantly shifting and changing. The malefactors change their tactics based on what we do. And I feel like that's the piece that we should be looking at, have the trends changed. And I know that everybody finds various data sets to be incorrect in various ways. But I feel like we can all agree that there are trends of abuse that we are seeing and that's why we're here. And that is sort of the piece that I think is most important in terms of measuring effectiveness, right? Have the trends changed and shifted? And if so, I think that that's the success that we should cling to rather than any reduction in abuse, any increase in suspensions. Like those data points are completely ephemeral.

NICK WENBAN-SMITH: Thank you. And I'm hearing all of this feedback on the leadership team proposed wording. And I suppose what is wrong with what we've suggested? I suppose if I want to be specific, try to say here, minimum baseline, it should be quantitative as well as qualitative. I've tried not to be prescriptive. Abuse levels could go up. That doesn't mean to say that we shouldn't have had the policy or the policy is a disaster and not successful. Maybe that the policy could be amended to make it more successful. Or it could be that abuse is evolving, as you say, in more and different ways, AI, etc., etc. And that people manage to carry out DNS abuse and avoid the ADC check thing through clever cloaking use of different registrars, etc., etc., etc.

But it doesn't mean to say that we shouldn't have the policy because it seems to be a problem that we're dealing with at the moment is that you get some registrars where they have hundreds, if not thousands of

associated domains, and they refuse to mitigate them without an abuse report for each and every one of them. And, I think one is not right to write it in these terms. But from my perspective, if the policy doesn't bite on that particular type of behavior, then it hasn't been effective.

And so we are trying to listen to that. And we think that the wording we had there captures these sorts of ideas and concepts in terms of, yes, it's not super simple to do a review. Things are changing very quickly. What we say now might be right. It's not going to be right in two years' time. You know, there's whole issues around correlation and causation. You know, abuse could go up. That doesn't mean to say that the policy hasn't been useful and effective and vice versa, frankly. Sorry, that's enough of me ranting. Theo?

THEO GEURTS: Well, these rants are enjoyable, Nick. So, thank you for that. But let's talk about the recommendation itself really quickly. I mean, it makes sense that we have a recommendation that is data driven, where we sort of measure is a policy effective or not. I mean, that's been absent within ICANN for God knows how long. I mean, we really don't know how to do that. So, if we could come up with something that could measure it, it has my vote.

That being said, it's going to be extremely complex. Nobody has the picture. So, that is going to be problematic. You don't have a definition of what is going to be a failure or what is going to be a success. So, that is going to be something that I fear that the IRT will struggle with unless they pass the buck to the GNSO Council, who will initiate the review and

then come up with the definitions of success or failure or whatever that is going to be. Ultimately, this policy will do one thing, and that is change the behavior of criminals. So, if we can measure that and count it as a success or a failure, that's going to be something not for us to decide.

On the quality, when it terms, you mentioned something, Nick, about registrants being affected. I don't share that concern too much. If you look at the composition of this workgroup in terms of registrars, there are some really big ones out there that are already conducting ADCs. And given that we are commercial companies, we don't have an instinct to nuke domain names from legitimate customers that are going to affect our bottom line. I mean, it's the financial aspect that is driving our daily work day in, day out. So, I don't fear that too much, but enough of my ramblings. Thanks.

NICK WENBAN-SMITH: No, thank you. And thank you, everybody, for your thoughts on this. In order to move forward, because we'd like to keep some forward momentum going in the remaining 35 minutes, I will ask staff, and Paul and I will talk about it later on in the week, listening back to these comments around refining this language.

I think, I suppose what's slightly disappointing for me is, what I had hoped is that this language had reflected exactly this exact feedback that we've had from, well, basically everybody around this. So, that's what we had tried to fix. And it seems that maybe we need to have another go based on these conversations, and we're happy to do that,

and we can take that away. But I mean, maybe if there is sort of specific alterations to the suggested wording, then that would be helpful, because we've tried, I think, to incorporate all of these points of principle into this.

And I think just a final comment from me on this is that it's very hard to completely future-proof this sort of wording. Whatever we do is not going to be perfect. And I think I would sort of strongly suggest that perfection is the enemy of the good in this area, because it's not, whatever we're going to do is not going to be completely perfect when looked back with the benefit of two years hindsight, I would have thought. So, there. So, I see some nice comments in the chat. And thank you, Iunes, for that additional comment. That's very helpful as well.

Okay, let's move on to the next item. So, here are some relatively minor definitional point. One here from Reg around remove the definitions of promptly end customer registered name in the glossary as they're already defined somewhere else or not used in this report. I have to say, reading through the draft report, I did already notice some other inconsistencies in terms of capitalization. And it's the nature of a document where multiple people have had inputs to this from different perspectives, as you tend to get slight inconsistencies with defined terms and different uses in different places, double definitions and inconsistent capitalization of what we think is intended to be capitalized.

Thank you, Yao, for the promptly standard. I thought that was a nice thing to refer to something existing there. Yeah, I think something's

defined and not used, or if it's already defined somewhere else, then I think we need to look at the leadership team and staff will take on board the sort of the editorial section, and perhaps we'll try and get that into, yeah, into the doc. Yeah, good.

Then we get through to Natalie's comments. Add in front of list including some of the data points that may be sufficient to include subject to and abuse handling processes. These were not really commented on. Okay, maybe it's worth looking at 416 there.

FEODORA HAMZA: Hi Nick, this is Feodora from ICANN org. Just to note that maybe we go just briefly into the comment we just discussed, because I'm not sure if we captured what the conclusion was to remove all those or to keep them, and just to show how that would look like in the report. So, just to provide some context, especially on promptly, leadership proposed for this to be included because it was done for actionable evidence as well, and to show outside readers what the group understood or meant with promptly when using it in REC6. So, yeah, just to note that, but ideally, understand we want to go.

NICK WENBAN-SMITH: Yeah, Reg, did you say that promptly was already defined somewhere else from your comment?

REG LEVY: No, I think I said that it was never used as a capitalized term or it's already in the RRA. I think specifically with regard to promptly, it's just never used as a capitalized term.

NICK WENBAN-SMITH: Ah, okay, I see what you mean.

REG LEVY: Also, promptly means grumply. So, like if we're defining dictionary words to be what they mean colloquially, we don't need to do that. If we're defining dictionary words to mean not what they mean, then we do. So, promptly means promptly, and if it doesn't mean promptly, then we define it. And what this is, is promptly, within a reasonable time, without substantial delay, no fixed deadline.

NICK WENBAN-SMITH: I think this clarification of promptly, I think, came from an ICANN advisory document where they talk about what we mean by promptly, given that we've expended quite a lot of time talking about promptly versus having 24 hours, 48 hours, 72 hours, etc., etc., etc. And I personally am very comfortable we ended up with promptly, and I'm pretty comfortable that promptly means promptly.

REG LEVY: I'm also comfortable with promptly, to be clear. I just don't think that it needs to be defined because it's promptly.

NICK WENBAN-SMITH: No, and I agree that it's not promptly with a capital P, if you see what I mean. It's not a defined term in that sense, but I think it's lower case that it shouldn't be defined. But I think the explanation, I think there was broad agreement across the whole of the group that actually, it's helpful, particularly for the non-lawyers, that actually this is what promptly comes down to in the, and as Eberhard says, it is used in the RA without being defined, but I think this is part of the, this is text from an existing ICANN advisory on how they interpret the promptly.

REG LEVY: So, if that's the case, then that's an argument to not have it included, because it's already defined in an ICANN context. Marc and Makita disagree?

NICK WENBAN-SMITH: Yeah, I saw, I see Marc and Fazi, and I'm sorry to sort of open up this sort of promptly dispute, again, not dispute, promptly as a sort of discussion point, because I suppose we all got PTSD from the previous uses of it. From the leadership team perspective, we thought this was helpful and useful in terms of explanation. I'm not sure whether the glossary is the right place or whether it goes in some other part of it, but I think it's useful substantively to say, for reference, ICANN advisory interprets promptly in the following way, because I thought that was helpful.

REG LEVY: Okay, so that's different. That's different, and that may be helpful. But that's not what this is.

NICK WENBAN-SMITH: No, okay, well, I think maybe we're in violent agreement again. Marc and then Farsi.

MARC TRACHTENBERG: Maybe the solution here is just to clarify that under current ICANN compliance guidance, this is what promptly means, but, I think the purpose of this glossary, as you said, Nick, is to help outside readers review this. Yes, it's true that things could exist in the RRA or other policies, but are people expected to look at every document and every other policy that exists when they're looking at this? I think the goal here of this, at least the glossary, otherwise, why do we have the glossary? It's to facilitate reading. I understand Reg's point, and I think we can just accommodate it by clarifying that this definition of promptly is from the current ICANN compliance advisory.

NICK WENBAN-SMITH: Yeah, well, exactly. I think, as Gabe has helpfully suggested in the chat, what we could do is actually just put a footnote or something referring to the advisory for reference, because it has been an important part of our discussions and our settling on the use of promptly as opposed to the 24, 48, seven-day time limit. So, that could be part of the change, which removes it from the glossary, but we still have a reference to it through a reference to the appropriate advisory as opposed to, but this

is, this for me is semantics as opposed to point of principle. This is just like a presentational point rather than a point of dispute on the substance.

So, I'm very much at your hands if you think that is a better way to present it in terms of the, I agree, definitional with a capital P is not appropriate, but I think it is useful to refer to, and I think Gabe may have helped us with that. And I agree also that what we're trying to produce here is something that doesn't require you to have instant recall of all the different sections of the RRA and all the different ICANN advisories ever issued, and it's helpful for people to have them pointed in the right direction where it's an important point. Farzi, Reg and Feo.

FARZANEH BADII: Yeah, I don't want to take the group's time too much, but somebody, an anonymous person on the dock made a really good argument why we should not refer to the advisory in a policy document, and I agree with that. We have to have a conversation. I don't want to take the group's time on this because, as you say, it's not substantive. Let's have a side conversation about where we want to be helpful in adding some of these things to help the registrars, and it could be like somebody else's job as well, thanks.

NICK WENBAN-SMITH: Thank you. Reg, and then Feo.

REG LEVY: Yeah, so we are expecting everybody to hold these all and to read them all in relationship to each other. That's exactly what is expected of registrars. Once this policy becomes policy, it becomes part of the contract that registrars have with ICANN. So, to the extent that promptly is defined somewhere, we should point to it. It could be a footnote, but it should not be an actual definition because that becomes the definition within the contract.

And I understand that that may be difficult and annoying for non-registrars. Trust me, it is difficult and annoying for registrars, but that is the result, right? So, if promptly, if we're using a definition of promptly that exists somewhere within ICANN policy, then we should link to that. We should note that, especially because if that changes, that may change the definition of promptly. And I understand your argument that you think that this is semantics, but this is something that appeared in this document. So, it may be semantics, but when it becomes part of policy, it's no longer semantic.

NICK WENBAN-SMITH: Thank you. And I have a lot of sympathy for the registrars who have to obviously be very familiar with all the different contracts, advisories, etc., etc., etc., around this, but that's their business and they're the experts in it. I suppose my perspective is that I'm not an ICANN registrar, but I am part of the ICANN community, as it took me taking my chair set off for the moment. And so it is helpful when we try to present this to the rest of the community whose confidence and trust in the system working, we want to bring them along with us and explain what this means as an interested member of the community, not just as

part of the contracted parties who are stuck with the contractual obligations.

So, I think it's the other side of the coin is that, yes, of course it's contractual, but even to the non-contracted parties, they are important stakeholders, which is why we have this representative model. Feo.

FEODORA HAMZA: Thank you, Nick. This is Feo from ICANN org. So, our understanding is that promptly should be removed from this section, but we would refer or provide a footnote to it where it's been used in the rationale of Recommendation 6 to show the understanding of this working group with that word.

Just to note that, so we are obviously very happy to do that. Just to note for context, the glossary, last time it was commented or proposed to put this into the recommendation, the group agreed against it. And also, the glossary introduces a paragraph where it notes that these are just terms, if not already defined in the contracts are just to show what the group meant or understood, but do not, yeah, are not binding in that sense. But yes, noted for the terms in question. So, I just wanted to summarize what our action item is for that. Thank you, Nick.

NICK WENBAN-SMITH: I think that's what I had. Marc and then Yao and any other things, but otherwise I think we want to try and move forward and cover another couple of points if we can in the time.

MARC TRACHTENBERG: Right. I think Feo made kind of one of the points that I some of us pushed for this to be in policy and that was rejected. So, this glossary is not policy. So, this is not read in connection with the contract for registrars. This is just a mouse items for other people looking at this, which in which case, some definition of promptly, I think would be useful. So, they know what it means. And we address any of these issues again, by just pointing out that this is the current interpretation of ICANN compliance in their advisory, which is subject to change.

NICK WENBAN-SMITH: The whole discussion has been about whether it's a capital P or a lowercase P in essence.

MARC TRACHTENBERG: Right. And any definition in here anyway is not effective on the policy. This is not the policy. We made that clear in the last call. This is something that sits outside of it just for people's reference.

NICK WENBAN-SMITH: Exactly. Exactly. Yao, you have the floor.

YAO AMEVI SOSSOU: Thank you, Nick. Good afternoon, everybody. I'm just confused right now. I heard, sorry, Feodora was saying that we agreed to remove the word promptly from the preliminary recommendation. I'm not sure if I'm following, but I completely disagree with that. I think part of the discussion we're having since the beginning of this PDP as a NCSG and

NPOC and all the non-contracted parties involved in the process, we discussed this lengthily about specifically restricting the action of the registrar in terms of giving a rigid fixed deadline and timeline for them to operate.

So, 'promptly' was the compromise and our consensus we had on this. So now if we decide to remove the word promptly, I don't know what's our whole strategy about this thing actually.

NICK WENBAN-SMITH: So, I think what I heard, Yao, is we're not removing it. We're just removing it from the glossary. And we're going to refer to it specifically either by reference to the guidance note or as part of the rationale for recommendation 6, so that it's not gone. It's just moved and not capitalized as a defined term. Sorry, made a big deal of it. But I think that's where we got to.

YAO AMEVI SOSSOU: Okay. But still, I have no problem about not defining it if it's already defined in another document. But the word promptly should be part of this, as I said, because in the preliminary recommendation, because it's actually part of the whole strategy where we, from the discussion we had until we get this sort of consensus, we have now on the whole preliminary recommendation from one up to now. So, I would --

NICK WENBAN-SMITH: Completely agree, I completely agree. I completely agree with everything you just said. It's a really, really important part of the actual

policy. And it's really important that we explain the context and the various difficult discussions had and the compromises made by people to settle on that wording. Because I think that is really important in terms of the rationale for the use of the word promptly, as opposed to a specific time.

Okay, let's move on to the next point. We've got 15 minutes left. Let's see if we can manage that. Add in front of list included in Rec 8, some of the data points that may be sufficient to show compliance include. Can we go to 416? Thanks, Natalie. Here you are, right on cue.

NATALIE HOWATSON: Thanks, Nick. Natalie, for the record, for the registrars. So, we wanted to get this added in before the list below just to show that, yeah, here's a list of some things we can use to demonstrate compliance, but we might use other things. We don't need to use every single thing in the list. So, we just wanted to include that prior to the list being put below. Any other registrars want to chime in on that? Cool. Hand it back to you, Nick.

NICK WENBAN-SMITH: That's wonderful, Reg. Thank you. There were no objections with it. I think it's a helpful drafting intervention in terms of these are some of the data points that may be sufficient to show compliance. It doesn't have to be all of them, or there could be other ones not on that list, which also are part of the compliance demonstration exercise. Gabe?

GABRIEL ANDREWS: Yeah, read the prior sentence because it seems as if the prior sentence--

NICK WENBAN-SMITH: A registrar must be able to demonstrate through records and documentation maintained in the ordinary course of business some of the data points that may be sufficient to show compliance include --

GABRIEL ANDREWS: Yeah, so my question is a registrar must be able to demonstrate what at this point? It seems like it's turned into a sentence fragment somehow.

REG LEVY: I think the first two sentences say the same thing, and the second sentence can be deleted, or it can be combined in. Must be able to demonstrate compliance with requirements, comma, through records and documentations maintained in the ordinary course of business, comma, when the obligation is triggered by actual evidence.

NICK WENBAN-SMITH: I have some sympathy with that comment. It must be able to demonstrate compliance. I mean, to me, this is a statement of the obvious that there's a contractual obligation, and you have to be able to show you comply with that. It seems odd that it even needs to be part of the policy. I think it should almost be -- there's a contractual obligation, and there's a compliance function, and when they come knocking, you need to demonstrate compliance with it. It must be already covered in the RRA somewhere.

Marc's suggesting agreement with the deletion of the second sentence, which was Reg's suggestion, and I do think that the three sentences there now don't read together in a coherent fashion, so I think that we take on board the suggestion to remove the second sentence. Ching says that as well. I think we'll take that suggestion. Reg and Marc, and then Lawrence, I see you have the queue. Robert wants you to put your hand down. That's good. Reg?

REG LEVY: Yeah, the second sentence is a fragment. A registrar must be able to demonstrate through records and documentation retained in the ordinary course of business, and so that's why I think that the first one was maybe sort of a draft. I'm happy combining them or just deleting the second one altogether. I like the through records of documentation maintained in the ordinary course of business. That piece is good, but the sentence itself is a fragment.

NICK WENBAN-SMITH: Yeah, it's the deviation from the English language. Marc?

MARC TRACHTENBERG: Yeah, I think maybe just combine them. Like, what if we just say the registrar must be able to demonstrate compliance with the ADC requirements through records and documentation maintained in the ordinary course of business. Then we have the last sentence that Natalie proposed, adding some of the data points may be sufficient to show compliance include. That seems to maybe get us there.

NICK WENBAN-SMITH: Perfect, thank you. Lawrence, I think we take those suggestions on board. Marc, it's very helpful.

LAWRENCE OLAWALE-ROBERTS: Yeah, thanks, Nick. So, I read this differently and I think it's the language that we currently have is stable and okay. The first part of it basically speaks to what triggers the action. So, in other words, registrars don't just start an ADC until something happens. While the second part speaks more or less to the different data sets or subjects that needs to be picked. So, I don't see any conflict in the way it currently reads. I think the second part complements the first part and it should be retained the way it is.

NICK WENBAN-SMITH: No, thank you, Lawrence. I think what we're saying and I think what Marc has suggested in the chat which we'll take away is that the second sentence I agree is, as you said, it's how you demonstrate compliance, but it just seems to be an incomplete sentence as it's currently drafted. So, yeah, exactly. The sentence has no object in grammatical terms for the Latin scholars amongst us, didn't they? You're a German speaker, right? So, you'd be obsessed with subject-object grammatical distinctions. Right, moving on. Reg, do you want to say anything more on this or can we try and cover something else?

REG LEVY: Yeah, I think what Lawrence is saying is reasonable and I'm happy to keep the second sentence. Just add the word compliance after demonstrate.

NICK WENBAN-SMITH: Exactly. I think this is something is just got mangled in the red line editing removal point and that can happen. So, we all understand. That's why we have so many diligent pairs of eyes on all of this stuff. So, thank you for that. Okay, next.

217. So, replace and with subject to, for the purposes of the recommendation, information reasonably accessible to the registrar includes, but is not necessarily limited to, information ordinarily accessible to the registrar through its contractual obligations to technical systems. Does that wording work? Subjective. Gabe, your hand is up.

GABRIEL ANDREWS: Yeah, so just to explain my comment, which was wordy in the margins and the subsequent chat with Reg, I just had a minor concern that if you change the word and to subject to, I don't mind this being subject to abuse handling processes, but it would seem to have the material impact of removing the explicit referral to abuse reports being one of those pieces of information. And so, Reg suggested that that could be added back to the left of subject to, and I supported that. Didn't have a huge fight here. It was just calling out that material change and the suggested fix that I think we're in agreement to. Reg, don't take the words in your mouth, but feel free.

NICK WENBAN-SMITH: Thank you. And Natalie's in agreement with that. So, let's take that and quickly take it as a win. Helpful. Thank you. Right. Let's see if we can get one more thing done in the last eight minutes. There wasn't any other business, so we should be able to wrap up fairly quickly at the end of this.

So, 227. So, additional sentence. A reasonable investigation does not require consideration of every category in every case, but should address those categories that are reasonably relevant under the circumstances. Added on behalf of the registrar stakeholder group. Natalie, your hand's up.

NATALIE HOWATSON: Thanks, Nick. Natalie again for the registrars. Yeah. So, this was just the text that leadership suggested after our back and forth with the registrars and the IPC/BC. And so, we're generally fine with it, but did want to include this just to have some reinforcement of the parameters of what is a reasonable investigation.

NICK WENBAN-SMITH: Thank you. And I didn't see anybody objecting to this. It's been in there now for 10 days. So, unless there's a sort of a protest, I think as Reg clarified that it was previously in there and removed. It seems to be a reasonable sentence. Not to overuse the word reasonable.

Great. So, where are we now? Okay, 248. Second page of the things. This is exciting. Paul will be jealous. We've had so much fun. So,

adding in here Farzi, registered name holder information. That seems to be a logical addition. Thanks, Farzi.

NICK WENBAN-SMITH: Sorry, did I just take the air out of your mouth?

FARZANEH BADII: Yeah, it's just nothing controversial.

NICK WENBAN-SMITH: No.

FARZANEH BADII: What is controversial is the behavioral thing, Nick. So, you see that it says coordinated activity/behavioral indicators. So, basically, I have been explaining this that when you don't say what you mean by behavior, and especially when you don't say technical behavior, a lot of the indicators get mixed up with where people are from, how they are connected, what language they're using. So, the ADC can lead to discrimination, bias, thinking that, okay, so, this is like all the domain names that are, like, they use some Farsi character, they can be, like, suspicious.

So, behavioral in the info ops conversations are very controversial, and we have civil society has been saying it. And for our purposes, technical operation, it just sorts out the issue. Or if you insist, you can also, like, have, like, technical patterns and stuff like that if you want to be a little

bit specific. This is not, I mean, honestly, there are many more problems with, like, removing safeguards and stuff that I would die in a ditch for. And this is not something that I just wanted to raise it with the group and say that this, like, behavior and focusing on behavior without indicating technical behavior is going to lead and has led to discrimination and bias. Thank you.

NICK WENBAN-SMITH: Right. I see. Marc?

MARC TRACHTENBERG: I actually agree with Farzi that if the registrar was looking at some of those things that she mentioned, that that would maybe be problematic, like the language or other things. But I think, that's only looking at the possible negative ways of categorizing behavioral, and it doesn't, I think the use of behavioral was meant to include broad things that the registrar might look like, like payment information. Like, what is the payment behavior? Are they spreading the same payment information among different accounts or using stolen information or things like that? And so, I think we need some broad, it's not just technical stuff, it's other stuff that could be accessible to the registrar.

Again, we're talking about flexibility here. We're not talking about mandating the registrar using certain specific things, but the registrar should have the option of looking at all these things, depending on how their investigation goes or what they might want to look at.

NICK WENBAN-SMITH: Yeah, I see. And I think, you know, the right place for safeguards is Recommendation 5, right? Because if they're looking at things which are not lawful or overreached, that's dealt with in the safeguards section Recommendation 5, about the things that registrars shouldn't be looking at. I think the types of behavioral indicators here, we're not looking at discriminatory type things here, but other more context-specific things beyond technical, which may help to identify an association.

Oh, I see. Reg, and then Feo. I know we've got two minutes left, so I'm going to cut a line under it there.

REG LEVY: Yeah, so I'm fine with removing behavioral, and the slash before it, because this is not a comprehensive list of what we're allowed to use. There may be indicators that some registrars have access to that may qualify as so-called behavioral indicators, and they may still use them. My registrar doesn't have access to any of those, so it doesn't matter if it's here or not, but I'm perfectly happy to have it removed.

NICK WENBAN-SMITH: Thank you. Feo and Gabe.

FEODORA HAMZA: Thank you, Nick. So, we noted that this can be removed. Just to refer to a comment related to this from Jothan, and I think it's closer in the doc, where he says, can it be replaced with, for instance, registration activity signals, something alternative, but kind of capturing the bigger

picture. So, I just wanted to point that out, since it's related to it, but we took the note that this can be removed. Thank you.

NICK WENBAN-SMITH: Thanks, Feo. Perfect. Right. Time's up, everybody. Reg, is that an old hand, or are you wanting to say something?

Okay, great. Thank you very much. There wasn't any other business. The next meeting, you know the drill. Is this time next week, but for an extra 33.5%, 90 minutes, up to 120 minutes. Lucky us. Thank you very much for a really constructive meeting. I thought it was a really good and well-done meeting. So, thank you, everybody, for all of your constructive inputs, and see you next time. Ciao.

[END OF TRANSCRIPTION]