
JULIE BISLAND: Good morning, good afternoon, good evening. Welcome to the DNS Abuse Mitigation PDP 1 Working Group call taking place on Monday, the 29th of June 2026.

For today's call, we received apologies from Matthew Thomas (SSAC) and Claire Craig (ALAC). The alternates replacing them are Gautam Akiwate (SSAC) and Eunice Perez Coello (ALAC). Statements of Interest must be kept up to date. Please raise your hand or speak up now if you have an update to share.

All right, members, participants, and alternates will be promoted to panelists. Once again, please watch your screen for the prompt. 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 wiki space. 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. And with that, thank you. I will turn it over to Paul McGrady. Thank you. Paul?

PAUL MCGRADY: Thanks, Julie. Good morning, everybody. Let's pull up our agenda for today's call. Welcome. We just did that. We are going to do an intro to

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the Draft Initial Report as our number two item. Then we have some resolving the pending “cannot live with” items, and then a quick AOB at the end. So let’s go ahead and jump in.

The structure of the Initial Report draft. The main updates in the draft coming out of the collaboration document, there’s content from the Preliminary Recommendation Review document, which we’ve all been working on, sometimes I believe called the Collaboration document. We have updated language based on working group discussions and suggestions made regarding editorial changes. Everybody, you can see those in the Preliminary Recommendation Review document. We have updates in this early draft of the methodology of the working group, how we got where we are. The actual how, not the what. We have a placeholder for the Final Impact Assessments, which will be coming towards the end. And then, of course, we have an annex providing Charter and other background information for anyone who wants to take a look at the draft report for public comment.

The language are broken down as we’ve been working on it. Policy recommendations themselves, implementation guidance were relevant. We don’t have those always. And the rationale is where the working group explains why we’re proposing what we’re proposing, the attention behind it, sort of congressional record, we would call that in the U.S. for legislative guidance.

Implementation guidance. We spent quite a bit of time on that is not implementation coming from ICANN Compliance backed or contracted parties, but rather our guidance to the IRT when they implement this policy. So, let’s move on to the next slide.

We are going to review the Draft Initial Report. We're going to review the recs holistically and as interconnected items, since they all relate to the same Charter topic, the ADC. We'll get some feedback, suggestions, alternative language, and comments into the Initial Report draft rather than making changes, and then staff will use the comments in the draft to advance the document for our further review. So it'll be iterative over several weeks.

So actually best practices, key principles. The goal is for the working group to provide recommendations for new obligations on the ADC so that we can solve the issue describing the Charter, so that they can receive Council support, so that they can be adopted by the Board, Board-readiness we call that, and can be implemented and enforced by ICANN.

So, as we review the updated texts, don't ask yourself, "Is this my chance to relitigate the issues?" Ask yourself, "Did we solve the issues described in the Charter?" And then in terms of the assess the first part in terms of the other ones with Council support Board adoption and implementation and enforceability by ICANN, we should be asking ourselves, have we gathered up the community around us? What does your councilor think? Does the councilor think we did it? Are they prepared to advocate for this in Council? How do they think Council will go when they see these things? How do they think Council will react? What does our Board liaison think? We need to hear from the Board. Is this Board-ready? We don't want to work really hard to get this to Council. Council passes it on to the Board, and the Board says, "Oops," and then we end up in extended time period trying to fix all that. We've been through that relatively recently with SubPro, and it would be nice

to skip that step. And then lastly, what does Compliance staff think? There is an IRT in between, but if Compliance staff thinks we're way off, we'd like to hear that sooner rather than later. So, those are the kinds of community gathering questions we should be asking ourselves as we look through this.

All right. The timeline. We're in June. We're barely in June. Draft the Initial Report and resolve pending items, and so we certainly hope that we are able to resolve the last handful of "cannot live with" items. In July, the working group will review the Draft Initial Report, and we will adjust the language where it's needed. Working group complete all IAs. Staff, what's an IA? I apologize. I used to know what that meant.

NICK WENBAN-SMITH: Impact assessments.

PAUL MCGRADY: Oh, impact assessments. Got it. Okay, great. I knew what it meant last Thursday, but Monday morning I don't. So, okay. Impact assessment, we need to do those for sure.

In August, we, the working group, will finalize the Draft Initial Report. We'll have a Working Group Consensus call at that point, and then the start of public comment begins in August. September, that will be the time for the Initial Report public comment. So, that'll be out with the community, and we'll do webinars to present the Initial Report to the community. So, September might be a bit light for us, which is nice.

And then ICANN87 and after four working sessions in Bali, discussing the public comment and adjusting the report as necessary. Hopefully, we draft the Final Report or come very, very close before we leave Bali, and we may have to do some post-Bali-work on consensus calls and things like that. So I don't think we are going to be able to declare victory in Bali, but we will be able to see victory from our seats, I hope, in Bali. Then after that, it will make its way.

So that's our timeline right now. So let's jump in. I'm sorry. I should say are there any questions on how the Initial Report works, the timeline, the things we need to do? I see a hand. Anil?

ANIL KUMAR JAIN:

Thank you, Paul. A simple question. As you said, that the process will be that first the report will go to GNSO Council, take its approval, then it will go to ICAN Board for approval for implementation. Now, when we go to the ICANN Board, I think they will address to the registrar who are under contract, like the GNSO registrar, and also registrars which are not under contract with ICANN, for example, the country code registrar. Do we expect that this report will be implementable or will be advised to both contracted and non-contracted registrar? This is number one. And in case the answer to this question is yes, then are we going to consult ccNSO Council also? Thank you.

PAUL MCGRADY:

Anil, that is a really good summary and a great question at the end. So, just to repeat it back to make sure I got it all correct, Anil. Yes, we will do our Final Report. We will send it to Council. Council will hopefully

vote yes. If Council votes yes, then it will go on to the ICANN Board who will hopefully vote yes. And if the Board votes yes, then it will go to an Implementation Review Team where it will then be moved into implementation. Once it's implementation, it'll become policy that amends—they won't be contract amendments, but it will be policy that has an effect on the contracts. It's essentially an amendment to the contract that all ICANN contracted parties have to abide by. These particular recommendations are tailored to registrars, and so it just happens to be that registrars will be affected.

Whether or not registrars for country code top-level domains will have to abide by this, that answer is no. The country codes are quite independent of ICANN. The relationship with ICANN is very different. Now, would it be advisable for those parties to do this? I think so, but ICANN simply has no compliance power over them to make them do anything. Eberhard?

EBERHARD LISSE:

The CCs, the country codes, have, if at all, a bilateral relation to ICANN, and they are not under any obligation to do anything that ICANN sets as policy. Therefore, no registrar that is accredited with a CC has, per definition or per se, to do anything like this. However, as you just said, we don't want to put any administrative hurdles in the way of ICANN accredited registrar to give their money to us, so it is probably best if we don't create 253 different models. The fewer models a registrar has to abide by, the easier. However, there is no such thing as policy, there is no such thing as requirement, like you said, there is no such thing as mandatory. This is a purely bilateral relation between the registrar and

the individual CC, not the ccNSO or the ccTLDs. Each CC has to sort out their registrars the way they want it.

PAUL MCGRADY:

Thanks, Eberhard. Any other questions on the road ahead, the process for reviewing? Okay. Well, the sooner we get away from that running man, the better. Okay. Let's go. All right, let's go ahead with resolving the pending "cannot live with" items.

All right. Ideally, we will resolve these today. These are vestiges left over from Seville, and we've had several weeks on these, so let's see what we can do.

The leadership team and staff are proposing language for consideration on these items that was shared on Friday. If not solved today, the working group has a chance to review the recs holistically in the Draft Initial Report, provide further feedback where needed. The goal here is to reach consensus. If the "cannot live with" item is only an issue for one group, then the leadership team needs to determine next steps, and that has to do with the nature of consensus. Consensus is not unanimity. Consensus is consensus. And if we have a "can't live with" item that only one group is concerned about, and we're not hearing support for that issue from the rest of the working group, then the timeline and the entire policy can't be held up by that. So just hope that helps.

All right, let's jump in here on the "cannot live with" items. The issue here, the first one, is the GAC highlighted scenarios where domains are used intermittently for DNS abuse and may be active only briefly. The

proposed language focus on is being used but should cover potential past and future DNS abuse. On the other side of that, there were concerns about how far back you have to look, and all those other things that registrars were asking about, which were valid questions. We had lots of discussions on this and. And we had a couple of different language proposals out there. There was one by the leadership team, and there's one by the Registrars.

Leadership team tried to do our best to smush this. Smush is a technical legal term. So we have tried to smush this into one proposed language for implementation guidance on this point, which I will read through, and then let's take a queue on whether or not this resolves the issue for the GAC, but also the issue for others who wanted enough precision to make this workable. So, here we go.

“When reviewing actual evidence for the purpose of ADC, the phrase ‘is being used for DNS abuse’ is not limited to DNS abuse that is active at the time of review. Registrars may rely on actual evidence of current, recent, intermittent, recurring, or otherwise well-evidenced DNS abuse, including where the domain is no longer active or the abuse activity has ceased. Abuse reports submitted to a registrar should include sufficient information and evidence to support the reported allegation of DNS abuse (see actionable evidence) where the reported abuse is intermittent, recurring, or otherwise not continuously observable, the report should include evidence clearly demonstrating the pattern of abusive activities.”

So, in other words, the intermittence is something that the reporter needs to make clear in their complaint so that the registrar will be able to see what's happening and rely on it.

So let's do a queue and let's start with Martina. Martina, go ahead.

MARTINA BARBERO:

Thank you very much, Paul. First of all, thank you very much to the leadership team and also the registrars who had shared themselves some language for the implementation guidance. I think, as the GAC, we are often running behind in the sense that we met last week to discuss the language that was shared originally by the registrars for the implementation guidance, which we liked. I think we are okay with this language as well as it's in the document itself, but we had proposed by e-mail on Friday to also add a short alpha sentence in the recommendation itself, and this was linked to the need to tie a bit the recommendation to this implementation guidance.

So, I understand. I don't know exactly whether we comment, like we proposed that it's too late for it to be good for discussion today, I guess, but in any event, I would appreciate to hear feedback from others because I need to bring this back to the GAC and ask. Our point was that the implementation guidance itself is very useful, and we are again very appreciative of the language, and we don't have any concern with that. We would just want to make sure that we have a hook in the main recommendation so that it's clear that is being used, is a bit interpreted the way we refer to an implementation guidance.

So, I'm in your hands, Paul, in terms of whether our suggestion can be maybe parked and considered next week, and I go back to the GAC, or how would it make sense to proceed if others have feedback on our suggestion concerning the main recommendation.

PAUL MCGRADY:

Thanks, Martina. Maybe staff could put that, what it was that you proposed on Friday, into the chat. That might help us see what that is. Let's keep working through our queue while they look for that and put that in. Jothan, go ahead.

JOTHAN FRAKES:

Hi. For this, I think we had talked through a scenario whereby if it was, well, sometimes reports can have a bit of a time delay, and they can be about a prior registrant at a prior registrar. I thought we had put some kind of carve-out to make sure that a new registrant, totally different party, totally different registrar, would not be receiving consequences from a prior registrant's action. I thought we had worked through and gotten some kind of a carve-out into this for that, but I may be mistaken. Thank you.

PAUL MCGRADY:

Thanks, Jothan. Before you go, can I ask how a registrar would know if it's a prior registrant? And we can't tell from the outside. Do registrars have the ability to see redacted data?

JOTHAN FRAKES:

Sure, Paul. You can often get in a report there's some form of evidence or even in some cases a little detail about where the reporting party has provided some information. They'll report it to Registrar B, but they'll have listed in the report Registrar A. So Registrar B will look and see, did this transfer? Is this a new registration? If it's a new registration, then they'll typically respond back and say, "This looks like a prior registrant but it's not related. The hope is that the quality of the reports would improve, but I think we want to make sure here that a new registrant would not receive those consequences.

I think this is often like re-registration, if a perpetrator uses a name, and then either gets it deleted by the registrar that they were doing that activity at, and then later, let's say, two weeks later, a different registrant registers that domain at a whole different registrar. Sometimes the reports take a little while to get to the registrar, and the reporting party will just do a WHOIS lookup or RDAP lookup at the time and see the current registrar, and send that report to the current registrar even though it's completely unrelated to the current registrant. I hope that's helpful. Thank you.

PAUL MCGRADY:

Thanks, Jothan. I want to keep you on the hook, though, because I want to fully understand it. So it can't just be that there was a registrar change, because malicious actors change registrars all the time, right, the same way they change hosting providers all the time. Is what you're talking about in a situation where there is actually a break in the registration, such that the domain name drops entirely and is registered by a third party and we can see a fresh registration date in the RDAP?

JOTHAN FRAKES: Yes. That is what I'm talking about.

PAUL MCGRADY: Okay. Well, that seems eminently knowable. So let's capture that, staff. I want to go back up in chat and read what Martina was talking about, the GAC proposal to the textual change in Rec 1 is in bold here.

When a registrar has actionable evidence that a registered name is used for DNS abuse, even if the registered name is not active at the moment of the check, pursuant to 3.1.8.2, that combined with the implementation guidance is what seems like that is the GAC ask. So let's keep that front and center and react to that part of it as well, if anybody would like to.

And now for the star of our show, Farzi.

FARZANEH BADI: Hi, Paul. Hi, everyone. We are sympathetic to this change because there have been well-evidenced cases of abuse that the domain name registrant is malicious, and then after a while, after receiving reports, it stops the malicious activity for a period of time, and then resumes. So that's not a hypothetical.

At the moment, the language that... I think there have been some changes by the registrars to it that clarifies, but this has a concern that is not limited to DNS abuse that is active at the time of review. The problem could be that the registrar might need to retain evidence from

the past abuse reports. We don't have a recommendation on how long they should retain it, and stuff like that. I don't know if there are other recommendations. I can't quite remember in other recommendations we are talking about data retention, about evidence. But we need to look into that and see, in order to implement this, the registrar would feel like they have to retain evidence from the past. And if they have to retain evidence, how long should they retain that evidence so that they can see even if it's not active at the time. Thanks.

PAUL MCGRADY: Thanks, Farzi. That's a great question. And in my head—

FEODORA HAMZA: Paul, can you speak closer to the mic? We cannot hear you. Sorry.

PAUL MCGRADY: A little bit better? My computer is so terrible.

FEODORA HAMZA: Much better.

PAUL MCGRADY: Okay. Sorry about that. Farzi, that's a great question. In my head, when I was reading this, the evidence had to come from the reporter, not from the registrar, and so there wouldn't be any trigger for a registrar to maintain a giant database of past abuses. That's also consistent with everything we've been saying all along the way, that registrars don't

need to start making giant reports and collecting all kinds of data they weren't historically collecting.

So maybe, staff, can you capture that concept? Because I think, otherwise, Farzi's question is spot on, which is what giant library of past abuse data do I need, and how long do I need to keep it? As opposed to I'm a registrar and I can rely on the report that comes to me, that's a totally different thing, and that's what it was in my head. If it was not like that in everybody else's heads, let's get on the same page there.

All right. Martina, welcome back.

MARTINA BARBERO:

Sorry for taking the floor again, but I think, Farzi, that's a fair point, but my interpretation was also the same as yours, Paul, meaning that if it's past the abuse and it's evidence submitted by a reporter to the registrar that three days ago this domain name was distributing malware, and then maybe on the [X] of the check is not distributing malware but the evidence is from three days ago, I guess the registrar doesn't have to collect and retain evidence from years ago. I think it's it comes with the reporting.

I am also acknowledging that Dennis and Brian are referring to the RRA where I think it's two years for complaints on DNS abuse for retaining data. So, there's already a rule in terms of general rule. But I think particularly here our understanding from the GAC is what you understood as well, meaning like when we're speaking about past behavior, the burden of proof is on the person reporting the behavior,

of course, and then the registrar does the analysis with the data that has it at its own disposal.

PAUL MCGRADY:

Thanks, Martina. That makes sense. So, leadership team and staff can tighten up the language on the recommendation and the implementation guidance to make it clear that what we're talking about the abuse information needs to come from the reporter. It's not a phishing expedition where a reporter can say, "Hey, I came across this domain name, it's not currently being used for any kind of DNS abuse, but I would like for you to go back through your records and check for intermittent abuse." That's not what we're talking about. We're not talking about registrars creating a giant database and watching it and holding it for three years at a time, none of that stuff.

So, we'll clean that up. I did not hear anybody objecting to Jothan's concern about a fully dropped and fresh registration of a domain name by—we don't know whether it's by somebody new because we can't see that data anymore, but I think that we do need to point out that that completely fresh registration, where there's a break in the title of the domain name after a proper drop and re-add, is a different category.

All right. Well, maybe we do have objections. I got two hands. All right, Brian and then Marc. Brian, go ahead.

BRIAN CIMBOLIC:

Thanks, Paul. Hi, everyone. Sorry, I am on my phone, if I'm a little choppy. It's not necessarily an objection. I just think the issue that Jothan raised, while super legitimate, I don't actually think is squarely an issue about associated domain checks, rather it's the issue of mitigation itself. So, in that fact pattern, the concern would be a registrar really mitigating the domain when it's the new registrant. The associated domain check, if you think through that fact pattern, okay, the registrar gets a report, it turns out it was a prior registration. If the registrar then checks the rest of the registrations in that registrant's account, it's going to see no abuse, so really, no harm, no foul from that particular associated domain check. So, while I think, again, it's a real concern, it's a valid concern, but I think it's one that's sort of broader and beyond the scope of this PDP, and all the more reason why we really need a dedicated PDP on registrant recourse mechanisms.

PAUL MCGRADY:

Thanks, Brian. Help me understand. I'm going to keep you on the hook because I haven't quite got all the way to where you are, which is out of scope. Help me understand why it would be out of scope. If a reporter sent in a report to a registrar and said, "Hey, this domain name is abusive, it was registered and being used maliciously, and here's the evidence." It's intermittent because the bad actor was using it four days ago for malware. Now they're not. Now it just goes to a pay-per-click ad. And that registrar then can look and see that, well, two days ago the thing dropped and was re-registered to a new registrar and has a basically a fresh registration date. Why is it out of scope for that registrar to say, "Well, I don't need to do an ADC here because the claim

of intermittency doesn't hold up because it's a fresh registration"? How is that out of scope?

BRIAN CIMBOLIC:

Great question. I really do. I think it's a legitimate concern, and I don't mean to minimize it at all, but I think that it's more of a concern under the current construct of 3.18.2. It's about mitigation. And at the same time, I think that the registrar would already have sufficient carve-outs in that situation, one, not to mitigate the domain, and then two, certainly not have to conduct the associated domain check. Because I think that the actionable evidence standard, as set forth in that advisory, it's not rigid, it's flexible. So if a registrar were to say to ICANN Compliance, "Look, clearly this domain dropped two days ago, the abuse was three days ago. I consider that is no longer actionable evidence of DNS abuse." There's also the carve-out that says that a registrar shouldn't take any mitigation action in the case that it causes collateral damage or disproportionate damage, and that would be another instance that the registrar does not need to mitigate. We can hang its hat on that carve-out.

Again, the concern about actually taking action on the domain name gets to mitigation itself under 3.18.2 sort of beyond what we're doing here. The damage of the associated domain check would be using that old domain and then looking at the other registrants in the registrant's portfolio when seeing that there's no abuse, and so you take no action. So, again, I think that it's a super valid concern, but I think it gets to the core of mitigating old domains rather than conducting associated domain checks for old domains.

PAUL MCGRADY: Thanks. Okay, Brian. We have Marc and then Jothan. I still think we're talking about triggers, we're not talking about mitigation, but again, I'm just a chair. So we'll let Jothan defend his concept. Marc, go ahead.

MARC TRACHTENBERG: I agree with Brian, and I also think the concern is valid, but this is really kind of an edge case. I mean, we don't see in practice really the bad actors dropping these domain names, they just keep rolling them until they're suspended. There's no incentive for them to drop the domain names. So, there is, I think, an edge case where this could happen, but it probably would be picked up during the registrar's investigation which it has to do. So, I think the language as it stands is fine, and it's likely to be caught during the investigation. We don't need additional protection from here.

PAUL MCGRADY: Jothan, go ahead.

JOTHAN FRAKES: Thank you. I kind of heard what Marc was saying and I appreciate what Brian's saying also. It was called to my attention that it's not just to break in the registration where it's a fresh registration, that registrars are forced even when they mitigate to keep a domain name if it's gone past the five-day grace period. So you already had to pay for that domain name, and the registries do not refund you if you report that it was fraud or a taken away name. So registrars have a significant

financial loss that comes from this. And one of the things that they do to mitigate it is that they will take domains that they've taken away from bad actors and they may put them into the secondary market in order to recoup some of those losses.

So this might be where there's a sale to another party, and that would also be an indication of a new registrant in those cases as well, so it's not just a fresh registration. So registrars are doing this activity, apparently, to recoup the losses where the registry is keeping the proceeds of fraud, and they want to make sure that this is something that they can make financial recoup on. Thank you.

PAUL MCGRADY:

Thanks, Jothan. I'm going to keep you on the hook for a second. Since it's not just a very publicly verifiable fresh registration in the RDAP that we had talked about before, but now it's also information that a registrar has that nobody else has. In your mind, what do we do with that? Do we say unless the registrar has knowledge that it's a brand new registrant? I mean, I'm concerned about that, because without access to data, that's like a secret data pool that nobody can see, right? Talk about that.

JOTHAN FRAKES:

May I respond?

PAUL MCGRADY:

Yeah, Jothan. I'll keep you on the hook, yeah.

JOTHAN FRAKES: Okay. Thank you. So, I think you would see a change in the DNS servers, you would be able to point at publicly available ability to verify this. So, if the registrar was challenged about this, that they didn't take action on a specific name, that they would easily be able to point to publicly available data that could support the rationale of not taking action. Now, that gets a little hard to parse because good actors and bad actors could have different DNS servers. But I'm concerned that you're going to have a situation where a new registrant, whether it's through a secondary market sale or through a fresh registration, is suffering the consequences of a prior registrant's activities. This would be like moving into your new apartment and suddenly getting swatted for whatever the prior tenant did, right? That's not good. We want to make sure that that's something that there's some safety from. Thank you.

PAUL MCGRADY: Thanks, Jothan. Before you go, we have language in here that says a registrar may rely on this as opposed to must rely on it. Does that give you any comfort rather than us building in every possible scenario about new registrants? I've lost Jothan.

JOTHAN FRAKES: No. I'm reading. Could we talk to Volker, and maybe let me respond so I can read them?

PAUL MCGRADY: Sure. You betcha. Okay. All right. Volker?

VOLKER GREIMANN:

I'm sympathetic where this is coming from, and I understand that there is a need to address these intermittently active or previously active things that are sometimes subject to abuse reviews. However—and you knew this was coming—essentially, what this does is go way beyond the scope of an ADC and redefines what actionable evidence under the RRA actually means. This creates new obligations or tries to create new obligations of how we address abuse in general. This is not just ADC triggers. This is so broad in scope that I feel that this is going to be very hard for us to accept. This is what abuse actually is. This is what an ADC is and this is when an ADC has to be conducted, and that is problematic. We should be laser-focused on ADCs and not try to broaden the scope here. Thank you. Because what this actually may achieve is that we actually snatch defeat from the jaws of victory, so to speak, because if we try to sneak something in that is basically unacceptable for registrars or many registrars, then we could be torpedoing the good results we've achieved so far, and I would hate to do that.

PAUL MCGRADY:

Thanks, Volker. Yeah, there's torpedoes on all sides, though, because we do need to solve the problem, and this is, again, it's for purposes of the ADC.

Martina, and then Jothan, and then we need to move on. Martina?

MARTINA BARBERO: Thank you very much, Paul. And just to clarify with Volker, because I think it was the Registrar suggestion. Part of this language comes from the Registrar suggestion, in fact, that we, as a GAC, kind of agreed with. So, if your pushback is in the recommendation itself, that's one thing, but if you're telling us that the language in the implementation guidance is a problem, I just want to clarify where do we stand with the Registrars' overall position, and if going back to the text that you suggested as the Registrars would be a solution in that case.

PAUL MCGRADY: Thanks, Martina. Jothan?

JOTHAN FRAKES: I think, in reading this, where the parentheses are, see the see actionable evidence, if that sentence were extended to state related to the current registrant, that would be sufficient to address my concern, I believe. That's my non-lawyer suggestion. Thank you.

PAUL MCGRADY: Okay, great. Let's grab that. All right, that was fun. Well, we didn't resolve it so this one will move into the... We will capture everything that we talked about, and there'll be some brackets and things in the draft recommendation language, but it'll have to move into that as we begin looking through the report. Let's move on to the next "can't live with".

Next up is the IPC noted the definition of reasonably accessible data is placed in the implementation guidance. They would prefer it be moved

up to the policy recommendation. Then discussion occurred in Seville, and we have background here. The implementation guidance is to be used and followed unless Org and the IRT determine that implementation guidance cannot be implemented as proposed. If the IRT decides not to follow the implementation guidance path proposed by the working group, they need to provide a rationale.

So this was one that got moved to discussions between the IPC and the Registrars. So I'm hoping Marc has raised his hand to tell us that they worked it out, and everything's great. Marc, go ahead.

MARC TRACHTENBERG:

I wish I could tell you that. We're making progress. We had a call with the Registrars, not last Friday, but the Friday before, and we received some language from them this past week. We sought clarification several times and we received, I think, their final clarification Friday afternoon. We just, unfortunately, haven't had the time to fully discuss it since getting it Friday afternoon until today, but I think their hope is that by clarifying some of the language, we'll be okay with it. And implementation guidance, I think we're actually hoping that by clarifying some of the language and some new definitions that were in there, by limiting them, we can address the Registrars' concerns that this doesn't expand to other parts of the RRA or other obligations and other kind of crazy data collection obligations that were not intended. So we're going to talk internally and try to get back to the Registrars, I think, today or tomorrow, and hopefully we can find some middle ground.

PAUL MCGRADY:

Okay. Well, we're kind of here on week three of this one. And I'm all for the IPC and the Registrars trying to work this out. This will go forward in the Initial Report the way that it has been in the past for weeks and weeks and weeks leading up to Seville, but with a note that this was an IPC "can't live with" item. Ultimately, we've got to get the report done, and I'm glad to hear that everybody is still talking, but since it's a conversation that's offline, we really can't do much with it here as a working group, and our job as a working group is to work this out.

So if we don't have a concrete proposal from either group by next Monday's call, then as we get into the actual Initial Report document, we're going to have to call it. So, after three or four weeks, we need to either progress it or just say that there wasn't support for the IPC position, and let's keep going. It's different than a situation where we have the GAC and the Registrars proposing language on the intermittent issue, like we just did. That's something we can all work with as a working group. So we do need some outcome from those conversations. But let's give peace a chance. We have another week on that.

Okay, Marc, a hand still up. Is that an old hand or new hand?

MARC TRACHTENBERG:

New hand. It was. Been asking to give us a week to kind of come forward with language, but it's not much of an incentive for people to move on this. If you're saying that if we can't come to some sort of agreement that we're just going to drop it in as is, so that I think is not so great.

But also I would just point out that—and I don't want to speak for the BC, but I think the BC is in support of this as well, so it's not just the IPC sitting out there—but we will work earnestly on this during this week and hopefully have something to bring to the working group next week to have discussed by everybody, and then hopefully we can get the resolution.

PAUL MCGRADY:

Thanks, Marc. If the BC is prepared to walk away from the table over this, we need to hear from them on that. I've not heard that from them, but let's wait for a hand. But right now, it does seem to be the IPC's issue. I'm sorry. I wish it were different, but the bottom line is on these things. If we need to move forward with rough consensus, we need to do that. We can't give any one particular party veto power over the entire report.

I don't see a hand from the BC. If the BC is dug in on this one, we need to hear from you right away. That having been said, I'd rather have a document that the IPC can fully support, just like I'd like to have a document that the Registrars can fully support and the GAC can fully support. So, like I said, let's give peace a chance, and let's see what we have next Monday. You may actually have a little more time the next Monday because I think this is Recommendation 3, and we may not get to Recommendation 3 next Monday. But anyways, let's keep swimming and see where we get.

NCSG added language to Rec 3 for working group consideration. Maybe it wasn't Rec 3, Marc. Sorry about that.

“Discussion outcomes. Working group to add more explanation rationale on the baseline understanding proportionality and safeguards.”

Let me read this here. “Proposed update to the rationale. The working group intends that ADCs remain evidence-driven and proportionate. The recommendation is not intended to require registrars to conduct portfolio-wide reviews as a matter of course. At the same time, the working group recognizes that the facts and circumstances of a particular case may justify a broader review. Accordingly, the recommendation neither mandates nor prohibits a more comprehensive investigation where such action is reasonable and proportionate under the circumstances. For the avoidance of a doubt, a proportionate investigation is one that is reasonably tailored to the available evidence and the nature, scope, and severity of the reported DNS abuse. The working group understands that proportionality may support reviewing a limited number of associated domains in some cases, while in other cases a broader review may be justified where the evidence indicates a larger coordinated abuse campaign, multiple related domains, or other factors suggesting that abuse extends beyond the reported domain name. For further details, see Recommendation 5: Safeguards.”

All right. So I’m hoping this solves it. Let’s take a queue on whether or not it solves it, and if it doesn’t, what we need to think about. Michaela, go ahead.

MICHAELA SHAPIRO: Hello, everyone. I just wanted to say the NCSG is quite happy with this language, to be honest. We're pretty happy to keep it as is, as the staff has inputted. So, yeah, I'm happy to answer any questions. But that's all they said. Thanks.

PAUL MCGRADY: Thanks, Michaela. That's good news. Any other comments on this? All right, let's declare victory. One out of three ain't bad, as they say. I don't think that's the saying at all. All right. So, staff, let's move this into the Recommendation document as pretty darn solidified. Guys, we may be out of here early.

Rod, you're my favorite. He says in the chat, "One out of three makes you an all-star in baseball." All right. Love it.

Next Steps. Staff will update the preliminary recommendations and Draft Initial Report based on working group discussions. The working group will review and provide comments, suggestions, alternative language in the Draft Initial Report. Our next meeting is Monday, 6 July, at 12:30 UTC.

I have a suggestion for the Registrars and the IPC. I encourage you that if you're stuck, that you rope in our vice-chair, Nick, to join the conversations and see if he can help you guys get unstuck. Nick, I hope that's okay that I just volunteered you, but I really would love to see—I don't want to say a consensus language—but I really would love to see agreed language on that that we can then tweak and get across the finish line. So, I really encourage you guys to do that so that we have something next Monday to work with. I am not trying to use the nature

of a consensus call or anything else to have one position win over the other position, but I am very aware that we have a timeline that we need to stay on, and so please rope him in if you need him.

Anil, go ahead.

ANIL KUMAR JAIN:

Thank you, Paul. Just a clarification. Are you going to share this initial draft report with all of us now or after the next Monday call?

PAUL MCGRADY:

That's a great question. I think we are going to be sharing it as soon as possible this week. The documents usually come out on Friday. Leadership team usually goes over things on Thursday. We had good conversations today about the "can't live with" items. Well, we had a good conversation about the first one having to do with intermittency. Staff has some concepts to capture there. And then on the third one, we are going to make those a little bit more solid. So yeah, we will have that before, maybe sooner. Feo, go ahead.

FEODORA HAMZA:

Thank you, Paul. This is Feodora from ICANN Org. Just to note that we should be able to share it with the notes and action items ideally by tomorrow based on the edits we need to make that came out today. But expect some draft, not maybe fully updated with today's all the points, but some early draft for you to already to take a look at tomorrow.

PAUL MCGRADY:

Wow. Okay. So the answer, Anil, is tomorrow or very likely tomorrow. That'd be great. Everybody was wondering, all the Americans were wondering what they were going to be doing on the fourth of July. You can ponder the Initial Report draft on the fourth of July. What could be better?

Okay. I think that's it. Staff, any AOB? Anything we should be aware of?

Okay. Well, everybody, we're done early. Enjoy a half hour. And thank you for all the hard work. Looking forward to making some great progress on the draft report next week. Thank you all.

[END OF TRANSCRIPTION]