

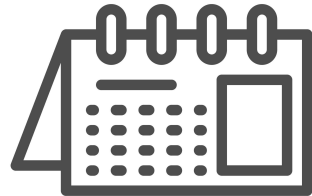


SESSION 3

Agenda

1. Continue Review Prelim Recs on CQ 1-9

- Review on Prelim Rec 8 and 9 (15min)
- Discussion “CANNOT LIVE WITH” Items (60min)



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PRELIM REC ON CQ8

PRELIMINARY REC CQ8

Preliminary Recommendation:

Following implementation of the ADC policy, ICANN org should conduct a review of the policy's effectiveness after two years. The review should assess whether the policy is achieving its intended purpose and what, if anything, could be improved.

The review could consider both quantitative and qualitative indicators, including but not limited to:

1. Whether registrars are conducting ADCs when the obligation is triggered.
2. Whether ICANN Compliance can assess compliance with the ADC obligation.
3. Whether associated domains identified through ADCs are being addressed consistently with existing DNS Abuse mitigation obligations.
4. Whether the policy has improved consistency of registrar ADC practices across the industry.
5. Whether the policy or related implementation guidance should be updated in light of changes in DNS Abuse patterns, methodologies, or operational practices.

Preliminary Rationale: The WG discussed and noted that the review should recognise that DNS Abuse is dynamic and that direct causation between this policy and overall abuse levels may be difficult to establish. The review should therefore avoid relying solely on aggregate abuse-volume statistics and should instead assess the policy's practical effectiveness in improving ADC performance and compliance. The WG expects the IRT to work on the identification of the relevant data points to assess the indicators noted above, as well as the establishment of baseline data for future measurement. IRT to consider whether and how metrics on ADC metrics can be included in the regular DNS Abuse mitigation metrics already produced by ICANN.

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PRELIM REC ON CQ9

PRELIMINARY REC CQ9

Preliminary Recommendation

Registrars **MUST** be able to demonstrate compliance with the ADC requirements when the obligation is triggered by actionable evidence of DNS Abuse. A registrar **MUST** be able to demonstrate, through records and documentation maintained in the ordinary course of business:

- The trigger of the ADC.
- Whether and when an ADC was conducted.
- What information was reviewed that was reasonably accessible directly to the registrar or through its reseller at the time.
- Whether, and how many, associated domains were identified.
- What resulting action, if any, was taken in relation to associated domains.
- That the ADC process followed was reasonable and proportionate under the circumstances.

The policy **MUST** not prescribe a format for documentation. Registrars may maintain evidence in different forms provided the evidence is sufficient to demonstrate compliance with the ADC requirements.

A registrar **MUST** develop and maintain an internal process description for conducting ADCs. This internal process should describe the steps the registrar uses when an ADC is conducted and should take into account any applicable ADC advisory or implementation guidance. The internal process **MUST** be made available to ICANN upon request.



DISCUSSION ON “CANNOT LIVE WITH”

INTRO

Groups will be called on their “CANNOT LIVE WITH”:

1. Indicate what problem you are trying to solve.
2. Explain how it's not already resolved by updates made to the documents and/or in other Recommendations.
3. Indicate whether or not your proposed text is mandatory from your point of view or if you are open to it being iterated by the WG
4. If not open to iteration, please confirm that the group that sent you has authorized you to walk away from the negotiation table if you do not get this specific text.

DISCUSSION ON CANNOT LIVE WITH

Rec 1 notes the trigger based on actionable evidence.

NPOC suggestion: trigger should be based on “has a reasonable basis to believe that other Registered Names may be associated with the same abusive activity, actor, or campaign”

Leadership note: The above suggestion from NPOC has been previously discussed by the WG and WG agreed on trigger as currently described because the goal of ADC is to determine one or more associated domains are being used for DNS Abuse.



DISCUSSION ON CANNOT LIVE WITH

Rec 1 notes “When a registrar has actionable evidence that a Registered Name **is being used** for DNS Abuse pursuant to Section 3.18.2 of the Registrar Accreditation Agreement (RAA)”

GAC suggestion: language should be updated to account for and include “**was being used, is being used or matches an established pattern of abuse**” because current language in the trigger does not address real world circumstances where actionable evidence exists that the domain was being used, or will imminently be used, in abuse, but isn't being actively being used in abuse the moment the Registrar reviews it.



DISCUSSION ON CANNOT LIVE WITH

Rec 3 Notes:

“Implementation Guidance: For the purposes of this policy, reasonably accessible data includes:

- Data required to be collected or maintained under applicable ICANN agreements
- Data otherwise held by the registrar and accessible through its technical systems; and
- Information received by the registrar in connection with an abuse report or investigation. (...)”

BC suggestion: move this above up to Policy Recommendation (not Implementation Guidance) and add in first bullet after “ICANN agreement” - (i) consensus policies, and (ii) applicable law;

LT suggestion: remove Implementation Guidance in this Rec as the language quoted is already existing in contractual obligations.

DISCUSSION ON CANNOT LIVE WITH

Rec 3 Notes:

“A reasonable investigation **MUST** be practical and proportionate based on the circumstances and consistent with Section 3.18.2. A reasonable investigation **MUST NOT** require registrars to access or generate data...”

NCSG suggestion: “A reasonable investigation **MUST** be practical, **narrowly-scoped**, and proportionate based on the circumstances and consistent with Section 3.18.2. A reasonable investigation **IS NOT a general audit of the registrant’s broader portfolio and MUST NOT** require registrars to access or generate data that is not reasonably accessible to them **at the time of review**, ...”



DISCUSSION ON CANNOT LIVE WITH

Rec 4 Notes: “To determine whether “association” exists, a registrar **MUST** take into consideration potential indicators such as the Registered Name Holder or account-related information and/or technical or coordinated activity/behavioral indicator, that is reasonably accessible to the registrar and most likely to yield useful and actionable information.”

NPOC suggestion: “To determine whether “association” exists, a registrar **MUST** take into consideration **one or more relevant indicators**”_(rationale: potential indicators is too broad)



DISCUSSION ON CANNOT LIVE WITH

Rec 5 Notes: “A registrar MUST NOT be required to collect or generate new data solely for the purpose of ADC and/or demonstrating compliance, unless necessary and proportionate to establish sufficient and reliable evidence.”

NPOC and RrSG suggestion: remove “unless necessary and proportionate to establish sufficient and reliable evidence” because this may be opening the door to new data collection or generation for ADC.

