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ICANN82 | CF – Joint Meeting: GAC and CPH  
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JULIA CHARVOLEN

Hello and welcome to the ICANN82 GAC meeting with the Contracted Parties House on Wednesday, March 12 at 1600 UTC. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior and the ICANN Community Antiharassment policy. During this session questions or comments submitted in the chat will be read aloud if put in the proper form. Remember to state your name and the language you will speak in case you will be speaking a language other than English. Speak clearly and at a reasonable pace to allow for accurate interpretation and please make sure to mute all other devices when you're speaking. You may access all available features for this session in the Zoom toolbar. With that I will leave the floor to Nico Caballero, GAC chair. Over to you, Nico.

NICO CABALLERO

Thank you very much, Julia, good morning, good afternoon and good evening everyone. Welcome to the GAC session with the CPH, Contracted Parties House. We have Beth Bacon and Owen Smigelski. Is that a good pronunciation? And we have Sarah. I don't remember you last name, Sarah, though. My apologies for that.

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SARAH WYLD

Wyld.

NICO CABALLERO

Sarah Wyld, okay, and we have Catherine Paletta and my distinguished vice chair, Nigel Hickson from the UK. We have a very interesting agenda today. This session on the one hand well be running for, yes, 60 minutes, exactly, and we'll be talking, as you may imagine, about WSIS+20, about the next round of new gTLDs. That's a mandatory issue of course given the circumstances, and also about urgent requests and we're going to touch upon the INFERMAL report a little bit as well and then we'll try to make sure if time allows to have a good Q&A session right at the end. Without further ado let me hand the floor to my very good friend Beth Bacon for any introductory remarks. Over to you, Beth.

BETH BACON

Hello friends. My name is Beth Bacon. I'm the chair of the Registry Stakeholder Group and I will keep our introduction brief and just say thank you so much for making the time. We find this interaction really valuable. Thank you for turning those lights down. Oh, and back they come. We really value this engagement. As we go through, please don't feel the need to wait until the end of a presentation before you ask a question. Please raise your hand. I'm happy to have this be more of a dialogue and conversation. I know Owen feels the same. I'll turn it over to Owen if he'd like to say anything.

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- OWEN SMIGELSKI Thanks Beth. My name is Own Smigelski. I'm from the domain name registrar Namecheap and I am chair of the Registrars Stakeholder Group. No need to take up much of your time other than to echo exactly what Beth said. Thanks.
- NICO CABALLERO Thank you Owen. Catherine, anything you would like to add at this point, or Sarah for that matter?
- CATHERINE PALETTA Nope. I'm just delighted to be here.
- NICO CABALLERO Do we have a presentation, Beth?
- BETH BACON We've got some slides. No, it's mostly discussion, so just some little slides. Yeah.
- NICO CABALLERO Okay. All yours.
- BETH BACON It's Beth again. I think we have a slide. It's very sparse but wanted to outline a discussion. It felt wasteful to not bring up WSIS+20 when we have this distinguished group of government folks in the room. We know that you guys are all very engaged in preparations for the WSIS+20 review and I just wanted to share a little bit about

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what the technical community within ICANN is doing for preparation as well and then offer ourselves as a resource to you. You are the folks that will be in the room. You obviously are here within one of the key models of multistakeholder governance, ICANN, so you understand how it works, you understand its value, but you also get to do the actual negotiating, so if we can... Yeah?

NICO CABALLERO

One thing, though. The beauty of these meetings is that as a matter fact not everybody in the room will be participating in those because depending on the arrangements, internal arrangements among governments, not necessarily GAC representatives actually attend those. Again, that's the beauty of these discussions because we can get to discuss what we could actually bring to the table, to those diplomats or to those colleagues that belong to different departments within the government to have us... Let's say food for thought when attending those meetings. Sorry to interrupt, Beth.

BETH BACON

No, 100 percent. You guys are the ones here doing this work and yeah, I understand. Also we understand that this is, GAC and ICANN is probably one tenth of your job and so we are very respectful of that. Again, that's why we would like to offer ourselves as the technical community as a resource to you as you are interacting with those folks as Nico says who are participating. If you are participating, that's what we're here for. I think just to outline some priorities for us in general, obviously support for the existing WSIS action lines that endorse the multistakeholder model of internet

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governance in general we have found as the technical operators of the internet that a governance system that mirrors the technical operation is very efficient. It involves all the folks that are operating the internet in making the rules, including governments, including NCSG, including the non-commercials, including operators. That's very important to us.

Can I help you? They're whispering to me. We wanted to, for us it's the continued support for the multistakeholder model. We think that's foundational. We think it's foundational to a continued interoperable internet. We wanted to just then open it up to anyone with questions, comments, concerns. Again, we are, I know individually registries and registrars are involved in various government prep processes. I'm just trying to offer technical perspectives helping you support your arguments but also develop those discussions and questions, as Nico noted, as you grapple with what's the best path forward and you guys prepare for your engagement. As that comes up and as you dive into preparation and you colleagues do as well we're happy to be here as a resource.

NICO CABALLERO

Thank you so much Beth. Let me open the floor at this point for comments or questions from the GAC. We did have a conversation, well, actually many conversations about the WSIS+20 before, both online during the intercessional calls and yesterday and the day before yesterday as well during our sessions, but again, it's always good to have a direct interaction with the CPH. I see Canada and Switzerland. Let's go with Canada first. Please go ahead.

DAVID BEDARD

Thank you Nico and thank you for being here. This is great. This is David Bedard from Canada. Just to lend our support for the technical community involved in WSIS discussions, it's absolutely crucial to the discussion and I encourage folks to reach out to your respective technical communities in your countries to make sure that they are involved in your preparations. I know that we've had conversations and we've certainly launched our own internal preparations with our technical community and really invaluable work, so thank you.

NICO CABALLERO

Thank you Canada. I have Switzerland next.

JORGE CANCIO

Hello, good morning. Jorge Cancio from Switzerland for the record. Thanks very much for being here and also thanks very much for raising this point. I think it's a very important one. The WSIS review affects the whole ecosystem where ICANN is one of the fishes swimming around, so if the PH levels of the ecosystem change it may have an effect on ICANN, so it's important that we all engage. I think it's very encouraging to see the technical community getting together and I support that very much. I commend that very much and if I may, I would also urge you or suggest to you that you get together with the other parts of the multistakeholder community, with civil society, with academia, with the business sector, because the stronger the coalition the better it is for the negotiations and

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when we stand at a meeting in New York or in Geneva later this year it's much handier to be able to refer to harmonized or shared positions from the other stakeholder groups. Thanks very much for working on that. Thank you.

NICO CABALLERO

Thank you very much for that Switzerland, indeed. As a matter of fact, this is one of the strategic objectives. Correct me if I'm wrong, but it is strategic objective number eight and we have a group within the GAC itself. We have vice chairs assigned, so to say, to that specific topic. Denmark, was that a hand? Go ahead please.

FINN PETERSEN

Thank you. Finn Petersen from Denmark and thank you to my colleagues and I wholeheartedly agree with them. I think it's good that the technical community come together and it was, in the beginning, admitted by the Global Digital Compact, but good that you are together, and I agree, try to team up with some of the other groups so we can pressure.

What I'll say in the longer run, I think for government you could be perhaps a little more helpful in solving some of the problems which governments for decades have been advocating here. I think that is, for us, one of the most important things that we can, in the negotiation and I the chats around convince people that it is an organization who delivers on its mission and also taking care of the public interest. From our point of view, very good that you are engaging it, but think about the longer play that for all member

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states you should be relevant, and not only for your normal supporters. Thank you.

NICO CABALLERO

Thank you for... Oh. Go ahead.

BETH BACON

I just want to say I think you're exactly correct and it is something that ICANN as a community does, is I think very focused on, is making sure that we are constantly improving and making the work efficient so that we can have those deliverables, and I think you're exactly right and I hear what you're saying, so thank you.

NICO CABALLERO

Thank you Denmark, I have Germany and then Egypt. Germany?

RUDY NOLDE

Thank you. Rudy Nolde from Germany for the record. I can only join my previous speakers in encouraging you to participate in upcoming stakeholder consultations. I think that's really, really valuable for the technical and business community to have their voice in this. I would also note that on a national, regional level it would be very helpful and appreciated for registries and registrar maybe to connect to national and regional IGFs of you have any new country or new region. To Switzerland's point I think that would be a good starting point if you haven't really engaged in

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these discussions on which is GDC and all that. I think that's a good starting point to connect to your local community. Thank you.

NICO CABALLERO

Thank you very much. Germany, before I give the floor to Egypt, I'm a witness that some CPH members have already started to do that as regarding the DNS forums, not around the world but in certain specific areas. My country for example, Paraguay, we had a DNS forum in which some CPH members participated. A very successful one by the way. We had lots of participation from government, academia, the technical sector and everything and some of the CPH members in the room today were there. We had a very good time. I certainly encourage, I totally agree with you and with Switzerland and Denmark in that regard. Now, engaging also the IGF in each country would be, I would say a very good idea. Not a starting point because it's already been done but certainly would strengthen the cooperation.

Sorry to keep you waiting, Egypt. Please go ahead.

CHRISTINE ARIDA

No worries, Nico. This is Christine Arida from Egypt and I really want to join colleagues in thanking you for bringing the topic of WSIS+20 on the agenda. I think it's an important one and like said, it is really important that all stakeholders come other for this. I just wanted to add that obviously one component of the WSIS+20 review is the review of the mandate of the IGF and I think in response to the third question, I think the technical community has a role to play for

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resourcing the IGF in a way that is really much needed. The IGF is the place where policy discussions do take place. We all benefit from that and I think there is quite a role to strengthen that and there is an opportunity ahead of us as the Norway IGF comes right before the negotiation process, so I'd like to really thank you for that and that's it. Thank you.

NICO CABALLERO

Thank you very much, Egypt. For the sake of time I need to close the queue at this point and give the floor to my colleague to my left, Catherine Paletta. Over to you Catherine.

CATHERINE PALETTA

Thanks. Can we get the next slide? Our next topic is the next round of new gTLDs and I think we can go to the next slide as well. Specifically we're here to talk about GAC early warnings and GAC advice. I attended the GAC session on Sunday about sub-pro and hear that you guys are going to be doing some capacity building in Prague at ICANN83 specifically about learnings from the last round and how to prepare for GAC early warnings and GAC advice. We heard the UPU suggest that folks in countries that participated in GAC early warning process and GAC advice process, I guess mostly the early warning, from the last round bring their learnings to that session and to ICANN83. I think as registries and registrars we definitely want to offer our help and learnings from how we went through that process last time. We have some folks like Beth Bacon, who was in the GAC during the last round so has been on both sides of these things, and we really want to be a resource to how we can

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go through this process most efficiently in a way that meets the needs of both the businesses and the governments here. I wanted to open and see if you guys had any questions or thoughts about GAC early warnings, but mostly we want to offer our help as a resource. Thanks.

NICO CABALLERO

Thank you Catherine. Again, the floor is open. Any questions you might have regarding early warning or GAC advice in general. Again, as Catherine pointed out, registries are resources to the GAC with learnings from the 2012 round. I understand, Beth, you were around at that time. As a GAC member, is that right?

BETH BACON

I was but a 15-year-old girl then. Yes, in 2012 I was a very proud member of the NTAA team and we modeled through with ferocity on that GAC order. There was no real path there and I think understanding that we were blazing new ground in the 2012 round and GAC especially was trying to navigate a not super clear path because the timeline from application to string similarity review to early warnings to advice and where do those all fit was very opaque, and I think that it's a little bit better, a little more clear going into this round, but still I think the GAC will be served by being very intentional about saying this is the spot within this process where we think it makes sense to give us some time to do GAC early warnings. This is the time when we think advice is going to be most pivotal and probably the least disruptive because I think the GAC is going to have a lot of TLDs that they're interested in seeing get into

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the root pretty quickly. I think if you guys can think about that and be intentional about it, and if you have questions about the process we as, some of us are former applicants and current operators, super happy to help.

NICO CABALLERO

Thank you so much Beth. I remember that meeting. That was actually my first ICANN meeting. I was seven years old, by the way. It was my first ICANN meeting. I couldn't understand. I had enough problems trying to understand the acronyms and the crazy jargon, so to say, at that time. What are you talking about?

Sorry, I have the UK next.

NIGEL HICKSON

Yes, thank you Mr. Chairman. Good morning, Nigel Hickson, UK. Yeah, I wish I'd been young then but I was just slightly less old. Yeah, I think it was an excellent point, my dear, in that we need to gather some experience and we need to gather some knowledge from that time to see how we performed. One aspect of it which I think I'll touch on, during discussions in the IRT process and as some of you were seeing in the guidebook on the sections on early warning and GAD advice, one of the key components built into that is cooperation and liaison. In other words, if I, a member country of the GAC take exception to a given early warning on a particular string that's come in, it could be for cultural reasons, political reasons, whatever, that in the early warning I explain what those particular concerns and I articulate them rather than just saying,

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“Yeah, I’m not really sure on this one.” That GAC members will have an onus on them to explain their concerns, and then also of course to be available for consultation with the proposer of the string, and that’s very important.

Now, how that stands, probably not direct, but through the necessary ICANN org support is something that obviously has got to be worked out, but I think this is important because the idea of an early warning, that if it’s possible that we get rid of it, it becomes a successful string and then everyone stands up and waves their hands if we can ensure the early warnings become successful rather than becoming GAC advice that the name shouldn’t or the string shouldn’t go forward any further, then we’ll have done a good job. Thanks.

NICO CABALLERO

Thank you very much, UK. The floor is still open. Comments, questions, thoughts before we move on to the next topic? I don’t see any hands in the room. I don’t see any hands online so let me hand the floor at this point to Owen Smigelski, Registrar Stakeholder Group chair. Over to you, Owen.

OWEN SMIGELSKI

Thank you, Nico. Again everyone, Owen Smigelski, Registrar Stakeholder Group chair, and we welcome the efforts that the GAC has done on this over the past couple weeks. I don’t recall the timing of that. Fabien and Gabe reached out to me and some other groups in the ICANN community to work on this issue of how we

can authenticate law enforcement for urgent requests there. We appreciate that this is not necessarily exactly a multistakeholder model approach, but it is... It's not a PDP or something along those lines, but it is within the auspice of the ICANN community. We are leveraging our contacts and our relationships within ICANN to work within ICANN to solve a problem out there.

One thing I didn't realize, my background before was trademark attorney for 10 years and then with ICANN staff for seven and I didn't really realize a lot about the operations of a registrar. Going to a registrar was very eye opening because I didn't realize the number of bad guys who try to pretend to be law enforcement or courts. It's astonishing. I've seen sometimes we get fake police orders, fake warrants, fake court orders, and not just from some country we're not familiar with, from the United States. We have been, and I know Sarah's shaking her head. We've worked with Tucows in the past before where we've had fake transfer orders from courts. We really have to scrutinize this. I also oversee the RDRS at Namecheap, so I see a lot of people. You can select what type of requester you are and there is a staggering number of people who think they are in law enforcement, but who are not in law enforcement. The guess is a lot of them think they are enforcing laws, so that's where that comes from as opposed to actually being in law enforcement.

I've seen some examples where my team said this does not appear to be law enforcement because it had a dot-org email address. Nothing against dot-org. Beth knows that I've had a dot-org since 2000, domain name, but it turns out when I looked into it, it was a

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smaller county in a rural part of the United States where the county government used a dot-org domain name and the police department did, too, so it actually was a legitimate law enforcement request. We don't necessarily have the resources to investigate that, so being able to work with the PSWG and the GAC to find a way to do that, you guys would know better than us who is that. We welcome participating in that. I have other responsibilities, so I'm not going to be participating in that, but we do have Reg Levy from Tucows. She'll be participating on behalf of the registrars and we do welcome that effort and encourage moving this forward so that we can have something, a type of framework or at least something where we can trust that whoever says that they're in law enforcement is indeed law enforcement.

I don't know, Nico, if you had anything else you wanted to add.

NICO CABALLERO

Depends on our esteemed colleagues from the GAC. I understand we have some law enforcement officials in the room today, so the floor is open. Any questions you might have for Owen or for Catherine or Beth or Sarah are more than welcome. I don't see any hands online. Okay. I have the European Commission. Please go ahead.

GEMMA CAROLILLO

Thank you very much Nico. Gemma Carolillo from the European Commission, not from law enforcement, though we have, as you said, lots of colleagues in the room. This is just a brief comment first

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of all to acknowledge that we really do need to work together on this and this could be a very good example of what Finn and Jorge and others mentioned earlier to show for us back home in the governments that the model works because this is a type of issue for which it's very difficult to explain when we are talking about very serious, life threatening situation that there is no policy about how to deal with the urgent requests. This is something difficult to explain and joint progress on this issue can only help, showing how the model can deliver.

Second, that we look forward to work together both in the track on the authentication mechanism, which we have acknowledged there's been concerns and you I think explained very clearly why is that, and on the timeline. We think it's good to work in parallel and we are happy that the board and the GNSO came to the same conclusion because precisely if you're assuming the data request is authenticated we can work on the timeline based on that assumption. Thank you very much.

NICO CABALLERO

Thank you European Commission. I have India next.

SUSHIL PAL

Thank you, chair. Just a thought, wondering if the GAC representative here itself can act as a nodal officer who can authenticate the identity of the law enforcement offices. That's one. A very hard thing to hear as to why the ID and authentication is needed for those people who act or claim to be law enforcement

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officers but they're not. Should that also not be the reason for pushing for the ID verification and authentication for the registrars as such rather than pushing it on the back burner only because it's a high cost.

OWEN SMIGELSKI

Yeah, Owen Smigelski again. I think for us, for domain name registration I think identity verification through and ID is just out of scope. It's just not something that my company as a registrar with customers all around the world can do. There are so many different types of identification, and I don't think for the 99.99 percent of our customers who are engaged in lawful and good activities, that we need to have that cost and that burden. I've heard estimates from ICANN that identify verification could be at least \$25 per verification, which that's two and a half times the price of some domain names, five times the price of some domain names. It's trying to find a solution to something that I don't think is necessarily a problem. I understand that there can be concerns with identity and needed to find that. In those scenarios we can work through that, but if somebody's coming to us... Law enforcement gets special access to us. We will do things when appropriate law enforcement that has jurisdiction over us, I'm not saying any law enforcement in the world, but if it's a US, we're a US-based company, there are some other law enforcement agencies around the world we work with. When they contact us we will give them special treatment. They will get access to that data quicker.

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That's why we need to have a much higher standard for them so that we do trust and know that.

I know if Gabe from the FBI reaches out to me, I know who he is and I know he's literally not too far away from me to drive, but somebody else coming to me from somewhere else in the United States that I may not know, they may be legitimate law enforcement, but I have no way of doing that and I can't spend a bunch of time researching to see whether or not they are. That's why having this authentication would certainly help, because then I know they've been vetted and proved through this process, so they can come in the door and get that special access.

NICO CABALLERO

Thank you Owen. India, are you okay with that or do you have a—

SUSHIL PAL

It's a statement I think, which was it doesn't clarify anything. It's interesting to see as to the registry stakeholder which gets impacted because of this ID verification. I think they are so much concerned. In a similar fashion I think the people who get impacted, you're talking about \$25. I think that cost is debatable. I think sharing the experiences in my country, the cost of verification, ID verifications some for less than \$1. That's the experience in my country, but if the GAC agrees I think we can at least propose ICANN to engage a few startups who can come out with some innovative solutions for the ID verification if the cost is a constraint. The cost constraint, I'm sure the technology would offer

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some solutions that can bring down the cost, especially when it's to be done at this scale. That's it. Thank you.

NICO CABALLERO

Thank you India. The floor is still open for comments or questions. I see no hands online and no hands in the room, which means we can move on to the next topic. I understand Sarah, you will be talking about INFERMAL, or who is... I'm sorry. We have the INFERMAL present according to the agenda. Beth?

BETH BACON

I'm the lucky winner. I think that this was added a little bit late to the agenda. We knew that the GAC had interest, so that's why we were less than specific in who was going to address it. We understood from some of our prep meetings and then also discussions that you all have had with other groups that you're interested in the results of the INFERMAL report and we are happy to... We are obviously not the authors of said report, but happy to talk about it and understand what your thoughts and feelings are about it so that we can then take that into our considerations as we discuss all of the data and input that we take in when we are discussing DNS abuse and next steps we take on those things. I'm happy to just open the floor for that discussion.

NICO CABALLERO

I do have a question. What's your take? This is a question in general for you, for Catherine, for Sarah, For Owen. How does that 401 percent increase in DNS abuse in general, I'm not going to give

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specific examples, relate to the fact of having an open, so to say, API? Is there a direct relationship there? What's the correlation? Yeah, go ahead please, Owen.

OWEN SMIGELSKI

Thanks Nico. As a registrar I can speak to this and I think there's a bit of a misunderstanding about what API access means. Namecheap is a retail registrar. If you want to register a domain name you come and you create an account. You log in and you buy your own domain name. If you are a registrar such as Tucows you cannot go to Tucows.com and buy a domain name. They don't support that. They are a backend provider and they deal with resellers, so Shopify is a customer of theirs. If you go create an account with Shopify and build your website you can get a domain name, but it's going through Tucows. People at Shopify are not going to Tucows and registering domains manually. They're using Tucows' API, which is a way to connect in to do that. With a company like Tucows, how large they are, they're all API access. The concern we have with this report is when it says API is an indicator of potential fraud and abuse, that's just saying Tucows is full of abuse, which is absolutely not the case.

SARAH WYLD

I'll just add also, I heard the term an open API. In order to do any kind of command in our platform you need to be authenticated. You would log in with a username and password before conducting

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that command. For example, to register a domain you first have to have an account with us. Thank you.

NICO CABALLERO

Thank you Sarah. Thank you Owen. Comments, questions, thoughts? I have the European Commission. Please go ahead.

GEMMA CAROLILLO

Thank you Nico. Again, Gemma Carolillo from the European Commission. We have discussed this report with really several groups. The SSAC, we had our own internal discussion on DNS abuse and I think with the ALAC, so there has been a lot of, we were made familiar with the content by now, but one thing which we were asking in the session, including with the ALAC, is what is the reaction from the contracted parties? What's your reading overall of the report? There are several findings, including on the specific issue that when it comes to maliciously registered domain names then exposed mitigation can be not very effective. What's your take on this and also on the other general main findings of the report? Thank you.

OWEN SMIGELSKI

Thank you for that. Owen Smigelski again. I think the report is good in that it explores and pretends, what if we were a bad guy? How would we approach this? What would we do? But I think the report is incomplete because it doesn't show what happens after. It shows that you are able to, say, register facebook-login.com, but some registrars might block that. Others might not, but trying to prevent

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everything bad from being registered is impossible. There's just no way that you can set up a system to determine whether or not somebody is going to be doing something bad with a domain name registration. It just technically isn't possible and there'd be so many false positives that legitimate people would just be aggravated by that. A lot of what needs to focus on, and I remember the report shows number of domains per registrar, per TLD or something like that, that were "maliciously registered", what it doesn't show is the mitigation time to identify those and take those down and I think a lot of the registrars on there, I'm familiar with NetBeacon and how fast some of these response times are. Three quarters of the registrars up there have mitigation times measured in hours, less than days. Yes, that can happen, but the more important thing I think is, how fast do they act when that is identified to stop this activity? I think a lot of that is very fast, very quick and is a way that we can deal this in a cost-effective manner as opposed to shutting down the internet or preventing people from registering domain names that they want. Thanks.

BETH BACON

Maybe just a follow-up. I think the report is interesting in that it shows case studies or circumstances of, if this then maybe this, which is valuable when we are looking at, we're more taking in data and we're saying, "What are things that we can do as a registry or registrar that could perhaps be impacting or creating an environment that encourages or allows or increases abuses?" But you also need to look at those in that the report is, and I'm stealing from Graeme Bunton because he described this really well. It kind

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of turns up and down different dials. It says if we do a little bit more of this then we might have a little bit less of this, but it's a correlation. I think that's it's a good data point and especially as we look, again, at next steps on DNS abuse and those sorts of things, pulling that together with other data like we have from NetBeacon which really, again, gets to Owen's points of mitigation. I think that it's an interesting other aspect of what creates an environment that could allow for this and what are those things that registrars could say, "I'm doing a little bit of this and I'm seeing a little bit of an increase. Maybe I could change how I do this," and do that without a PDP but as a best practice. I think it's informative, but not necessarily a definitive, "If you do this, then this will happen," but I think it's a well-done report and I think it's interesting inputs.

NICO CABALLERO

Thank you very much Beth. I have the Netherlands, the UK, Japan and India. Netherlands, please go ahead.

MARCO HOGEWONING

Thank you Mr. Chairman. For the record it's Marco speaking from the Netherlands. Yeah, I think I agree with your observation that we have to be careful not to point the finger at the APIs per se. I do believe they have a function, but I did not that in relation to the INFERMAL report they appear to create quite a connection between APIs and bulk registrations. To the other half, I wonder, do you see it feasible that within the APIs you would be able to distinguish between, for instance, large volumes generated by domain

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algorithm generators versus legit bulk requests or other ways of trying to curb what the report flags as bulk registrations?

OWEN SMIGELSKI

Thanks for that. It starts to get a little difficult when you try and determine, what does bulk mean? Is it 5,000? Is it 100? Is it two? Then also, coming back to say the model of a reseller registrar, it's possible that reseller might wait to process all of their orders at the end of the day, so they'll send in 10,000, but those could all be legitimate because they're all on behalf of other customers. I've seen before where a company is planning to launch a new brand. They're trademark is Widget, so they register Widget in thousands of TLDs, different ways and strings, so it could be legitimate. Trying to spend all this time to fix this problem, I'm using fix as a very general thing, is it really a problem to begin with? Also, when you come into that is, if we say bulk is 50, then the bad guys are going to do 49, and they'll spread it across different registrars. If there's going to, if we're going to look to a solution to a problem we want to make sure that it is a problem and that it's also a workable solution that will actually have meaningful impact. I think we can work on other things about ways to reduce abuse as opposed to identifying a topic that at least us from a registrar side, we don't really see that as an indicator of really bad stuff. Thanks.

CATHERINE PALETTA

Thanks, and I'll jump in. I'm Catherine Paletta from Identity Digital and I also have a registrar called Name.com, and I think to your question, sometimes yes, you can see trends in bulk registrations

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or any type of registrations that make it look like this is going to be use for no good. Part of that though it not just looking at the fact that it was bulk registered. You're looking at a bunch of other factors like potentially, we've seen a lot of abuse out of this country that looks this way or this type of account, and you're taking that into consideration when you're looking at bulk requests. As Owen said, this is really hard to define because if you set a number that makes it bulk people will just go around that number, but I think there are practices that registrars are doing right now that look at this types of registrations along with all the other information they have and are able to mitigate abuse very early on because of that, but it's not necessarily workable into something like a set consensus policy or something for that reason, because if we define bulk as this then we're just going to go below it, and that it's really things are changing and you need to look at the full scope of things. It's hard to set a firm rule but it's definitely something registrars consider and look it. But as Owen said, there are a lot of legitimate uses for domains registered very quickly in succession, and sometimes there's no legitimate use for those, but we see all kinds. Thanks.

OWEN SMIGELSKI

Thanks for that Catherine. I just want to jump right back in here. I don't want this to come off as registrars aren't doing anything. We don't want abuse on our platform. It gives you a bad representation. Margins on domain names, we're not making \$5,000 when somebody buys a domain name. With might make \$1 or \$2 profit and then when we get an abuse complaint and we have

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to look at it, we've lost all of our margin on that. We're losing money investigating that abuse so we are proactively, all of us, doing a lot of things that you may not necessarily see where we have access to the internal data and a lot of other factors like Catherine mentioned, because we don't want that abuse to happen so we're doing our best to stop that ahead of time. Thanks.

NICO CABALLERO

Thank you Owen. European Commission is that a new hand?

GEMMA CAROLILLO

No, it's not, Nico, because I wanted to react very briefly.

NICO CABALLERO

Sure, sure, sure. Go ahead.

GEMMA CAROLILLO

I wanted to react to one point specifically, that you say that quick mitigation needs to be looked at. I think the report does that and there are other reports who also look at that and it's true that there are a lot of registrars and general contracted parties that go a great job in being very quick in response in mitigating, but the report specifically points out that very fast mitigation, actions within hours as you said, when it's a well-orchestrated campaign, a few hours are sufficient for significant harm.

I really want to contest what you say that we cannot do prevention because you can never prevent everything. This is clear. In

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everything security you cannot prevent everything from happening. It doesn't mean you don't do that. Considering also what you said regarding the back registration, for us it's important to get comprehensive feedback from the contracts parties, I think. As we asked the SSAC as well, it would be good if you could compile your views so that we can have a look because it's important to see your perspective and also to inform better further research, because this report is not the ultimate definitive conclusive report on maliciously registered registration but it gives a lot of important information. We want to build on that. Thank you.

NICO CABALLERO

Thank you European Commission. I have the UK, Japan and India. UK please.

NIGEL HICKSON

Yes, thank you Mr. Chairman, I'll be brief. It's been really good this week to discuss the INFERMAL report with ALAC, briefly with the GNSO, with other constituencies, because clearly it's a report unfortunately came out just during the last meeting, didn't it, so we didn't really get a chance to fully address it, but it's a report which I think is very timely. I remember sitting on this platform five or six years ago. Well, not this platform of course, and asking about bulk registrations and was told, "Nigel, we don't think you quite understand them, and anyway, don't worry, some study we've done at some point, some evidence will come forward. There's no

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evidence at the moment that bulk registrations lead to or allow some sort of malicious time at registration.”

I’ve been following it in my own ignorant way and I was at a domain name conference last summer where someone demonstrated the use of AI, going through a reseller to register immediately 1,000 names, which were completely fictitious in the sense that it was just being use for the demonstration. No doubt they were pulled later on, but it did show how quickly it could be done, and I asked. I said, “How does this reseller know you? You’re sitting in this conference. You’re sitting at the front here doing this. Where is the know-your-customer here?” Now, perhaps there is. Perhaps I completely missed it. In this case there wasn’t any harm, there wasn’t any intention of harm at all, but I do think there’s a real linkage where we have these automated processes to register. I’m not saying they shouldn’t exist but I think these bulk registrations have to go line-in-line with an extra element of know-your-harm. Certainly when we were talking to the ALAC we considered we would obviously work with them as we often do to think more about this subject, but it does seem that the time has come to at least look at how you might do a policy scoping on this. I recognize it’s very difficult because of the numbers and other things, but it does seem to be something that calls out for action.

BETH BACON

Thank you Nigel. I think what you’re saying and then also just the largest takeaway from the report, as Gemma was asking, what’s the view, I think it highlights just how complex it is and how difficult it

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is to see what attributes make something attractive to a bad actor. I think then to Nigel's point it leads right into, how do we use this as a resource? How do we use this as a data point? It goes back to scoping and as we look at next steps for DNS abuse it's to go into those efforts with a very clear question and a very small defined problem that we can solve. While this demonstrates how complex it is, it also demonstrates how we need to be very targeted in our approach when we get into PDPs and we get into these processes, saying, "This is the very small question we're going to ask." Maybe we have three questions laid out but we do one at a time. We're not trying to boil the ocean. It takes six months, a year, we're done. We can see those outputs, again, as Gemma wants to see and I think is valid to take back to your governments and say, "Look, we had this question, we had this problem and we answered it swiftly because we were targeted in our approach." I think that's the takeaway from the report and that will be it for me and that will be probably what guides us in the CPH through to our next steps as a data point to understand the complexity, and then we can craft those very targeted questions.

NICO CABALLERO

Thank you very much Beth. Nigel, is that a new hand? Okay, I have Japan and India next. Japan?

TOMONORI MIYAMOTO

Thank you, chair, and thank you very much for the opportunity to talk with CPH. I'm from Japan and I've already talked about the issue of DNS abuse individually but let me talk it here. I think that

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the informal report says that the effect of the addition, or not the... Verification, contact information, at the time of registration, before using it, I think that gives about a 60 percent reduction of the DNS abuse, but I think that this kind of verification at the time of registration or, how can I say, the more accuracy or more reliability of great verification is, I believe it's really useful but is it any concern about additional cost or some other downsides to it?

OWEN SMIGELSKI

Thank you for that. Owen Smigelski again. It's not that it's more of an additional cost because if there's a new customer we do have to go through that verification procedure with an email address, so it would just be a matter of changing that timeline. I think it would be more from a customer and user experience that it's a lot more negative, because if you have your great idea and you want a registered domain name, you go and you do it and then you've got to go through this whole process and wait and whatnot, and I'm not sure that immediacy of wanting to move ahead and do something as opposed to go through this whole big long process in order to get your domain online is to the detriment to a lot more of the legitimate users because there's a small, small, small percentage of people who do bad things, so let's do that. A lot more people are being harmed and inconvenienced for that.

Namecheap had a really bad fraud campaign a couple years ago, so we went very aggressive with how we restrict certain types of registrations and if you go to the Namecheap subreddit you see so many people complaining about how terrible we shut down their

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brand-new domain name. We took that as a business decision only because we wanted to reduce some fraud, but if we were to turn to that immediate verification, changing what the ICANN longstanding procedure is, that could be very disruptive to a lot of legitimate customers.

NICO CABALLERO

Thank you Owen. I have India next.

SUSHIL PAL

Thank you, chair, and thank you to the panelists for clarifying so many issues. I think broadly it's clear that this just brings up a correlation and there is no causal relationship. I think what I understand from the comment made just prior to me, before Japan, was that's a pretty complex play and no indicator to figure out as to which indicator is attractive enough for the bad actor. I think no indicator. They are looking at the wrong issue altogether. I think the indicator, it is not hard to be attractive enough for a bad actor to apply, right? It is the benefits you get by the fraud. I think that has been his incentive for getting this domain name, and these, I think the reports which INFERMAL has thrown up, it merely shows correlation between say, economic incentives or say, APIs, and I totally agree with the panelist that yes, I think blocking the bulk API doesn't solve anything. It doesn't solve any problem and even if it be the synthetic idea through AI, it can be programmed to apply for bulk APIs below the defined targets. Maybe if the registrar stakeholder, since you guys are actually handling the applications, if you can provide some information or inputs to the org, ICANN

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chief technology officer, ask if he can find some causal relationship, that would be very useful. I think that would actually make this report very useful and also appreciate that the actions taken by the registrar for containing or bringing down the malicious domain names and would like to have your feedback about, will it be okay if it is made mandatory for the registrars to report all the domain DNS abuses? I don't know whether that practice is still in place.

OWEN SMIGELSKI

I'm not aware of any requirement for registrars to report DNS abuse to ICANN and I'm not really sure what benefit that would do other than creating a lot of work. Namecheap, we have 20 million domain names. I don't know what our abuse levels are, but how do we do that? There's 2,000 registrars reporting all of that to ICANN? It seems like a really big process to collect stuff that our systems may not be set up to do. I don't know how we could look up the number of abusive domains on our platform. Yeah, I think some of their measuring like what NetBeacon does as well as some of the stuff that ICANN does is good because they're looking at various sources, but it'd be a lot harder to get that data directly from registrars.

NICO CABALLERO

Thank you Owen, thank you India. Japan, is that an old hand?

TOMONORI MIYAMOTO

Sorry, it's an old hand. Thank you.

NICO CABALLERO

Okay, okay. The floor is still open for our distinguished GAC members. I don't see any hand from any GAC representative at this point, so let me give the floor to Mr. Michele Neylon

MICHELE NEYLON

Thanks Nico. Michele for the record. I think one thing in this conversation that is being missed out on is that you cannot actually do abuse with a domain by itself because the domain itself is useless. You have to tie it to infrastructure. You have to tie it to hosting. What tends to happen is because we as registrars and registries have contacts with ICANN you all bring your problems with internet abuse to us and only to us, whereas realistically no matter what we do you can't fix the problems in the infrastructure, the rest of the ecosystem, and that you need to look a bit beyond just the domains. You need to look at the fact that it's the ecosystem that's being abused. It's infrastructural abuse. The thing that I'm a little bit shocked and disturbed to see is that government representatives here are fixated with turning the free and open internet into something that is heavily regulated and that will, that freedom of expression and those human rights are not being discussed. It would be nice to see government representatives understanding that there has to be a balancing act, that the reason that so many businesses have flourished online is because we were able to do so freely and easily. If you overregulate the space you will kill innovation. Thanks.

NICO CABALLERO

Thank you very much Michele. The floor is still open. Any other question or comment? That's an old hand Michele, right? I have Australia. Please go ahead.

INGRAM NIBLOCK

Hi, Ingram Niblock from Australia. Just in response to the last speaker I just wanted to note that we are obviously looking at a lot of these problems holistically. Australia recently announced sanctions against a bulletproof hosting provider because we are aware that trying to affect lawful disruption against providers in jurisdictions that aren't always responsive is difficult, so sanctions is the path we took in this case, but yeah, we are looking at it holistically.

NICO CABALLERO

Thank you Australia. Any other GAC member who would like to add anything at this point? I don't see any hand online. I don't see any hand in the room, so I'll give the floor to the gentleman to my... Yeah, over there. Yeah, go ahead please. Just grab a microphone.

DEAN MARKS

Thank you so much, Dean Marks from the IPC. I had two questions to ask for the contracted party houses. One, when you speak about the abuse mitigation times and the rapidity of it, which is very, very helpful. Is that always in response to reports of abuse or requests,

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or is it also abuse that you find out on your own? That was my first question.

My second question is really going to what Beth said. I understand with the policy development process that if it's too broad it's going to just get weighed down and take years. Having a very narrow scope can be much, much more useful, but because this problem is so complex has there been any discussion or thought about just sharing best practices not as policy, not as mandates but along ccTLD registries and registrars and the community at best where you can share best practices and what seems to work or what doesn't seem to work, or again, Owen, you rightly said, "Hey, if the criminals know the line is 50, they'll just go to 49," but sharing for example—

NICO CABALLERO

Dean, sorry to interrupt. You need to get to the point. We have only one more minute.

DEAN MARKS

That's it, sharing best practices. Voluntary sharing best practices. Is that something that can be done in the ICANN community? Thanks.

OWEN SMIGELSKI

Owen Smigelski. I'll try to answer this in 30 seconds. Yes, we do a lot more than just take abuse complaints. We have a lot of stuff. We do machine learning, information sharing. Yes, there are unofficial groups or official groups within the contracted parties where we do

share information. There are signal exchanges and things like that, so we're doing a lot behind the scenes that may not get publicized. The problem is those efforts are only for those who participate, it's not for everyone else, so if we were to set up a series of microtargeted PDPs that could go sequentially, we could knock out a couple of those things within a year or so is my opinion. Thanks.

NICO CABALLERO

Thank you very much and I need to close the queue here. As a matter of fact, we need to wrap up. Thank you so much Beth, Owen, Sarah, Catherine and of course Nigel. Thank you for your questions and for your engagement. We'll stop here. Let's make sure we get some good coffee. Please be back in the room at 10:30. Thank you so much.

**[END OF TRANSCRIPTION]**