
ICANN85 Mumbai | CF – GNSO: DNS Abuse Mitigation PDP1 Working Group Session (2 of 4)
Saturday, March 7, 2026 – 16:30 to 17:30 IST

PAUL MCGRADY All right, let's get started. I think that Terri or somebody needs to say the magic words. So Terri, if you can give us the magic words, that would be great.

TERRI AGNEW Abracadabra. Lisa, if you could please start the recordings.

STAFF Recording in progress.

TERRI AGNEW The recording has started, and this is Terri Agnew. Hello, and welcome to the DNS Abuse Mitigation PDP 1 Working Group Session 2 of 4. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy, and the ICANN Community Participant Code of Conduct concerning statements of interest.

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by the chair of the session, if you wish to speak, please raise your hand in Zoom or otherwise as directed. When speaking, please state your name for the record and speak clearly and at a moderate pace. I will now hand the floor back over to the chair, Paul McGrady. Please begin.

PAUL MCGRADY

Thank you, Terri. This is Paul McGrady, the presumptive possible chair. It is one of these things where I am beginning to feel like we were all in a straight line and they said, "Who wants to do this?" and everybody stepped backwards and I failed to, right? But we are going to have a real good time. This next session, to me, is the most important of the four. In this session, we are going to revisit the consensus playbook and hear again how we are going to reach decisions as a working group around this table going forward.

I am glad we knocked out the administrative and housekeeping things, but now we are going to get frankly to the heart of how we are going to treat each other and how we are going to get things done. This session is going to be facilitated by Toby Berkman. Toby is going to be Zooming in here, and he is the Senior Mediator at the Consensus Building Institute. The CBI helped us build the consensus playbook for the community. I know that we all keep it by our bed stands at night and consult it in the mornings and in the evenings, right? We are going to hear a little bit about the consensus playbook and how that works.

Toby, by way of background, is affiliated faculty at the Program on Negotiation at Harvard Law School. He is an attorney—don't hold it against him—and a former litigator. Toby has been facilitating dialogue for more than a decade, and his practice focuses on helping organizations and stakeholders collaborate more effectively around difficult public issues. Since we have a high-profile topic, a big and diverse working group, and the community keeping a close eye on us, we thought it would be important to go back to the foundations of how we are going to deliberate.

This exercise is intended to support the multi-stakeholder model and our goals, and it helped remind us how to engage constructively, efficiently, and with a shared understanding and common purpose. We are going to get underway. Toby, with that introduction, I am just going to have you take it from here. Toby will provide opportunities for people to engage with him in the process, and then it will come back to me to wrap up at the end. I may or may not raise my hand as a participant in this session. Toby, go ahead, jump in.

TOBY BERKMAN

All right, well, Paul, thank you so much for that lovely introduction. It is really a pleasure to be with all of you here today. As Paul mentioned, I work for the Consensus Building Institute, CBI, so in my day job, I am facilitating complex multi-party issues on major policy questions. CBI has supported ICANN with a number of PDPs in the past, and I was also the primary person responsible for

drafting the consensus playbook. As Paul also mentioned, I teach executives around the world and students at the Program on Negotiation at Harvard Law School, specifically in dispute resolution and negotiation.

The playbook that we drafted for you all is a hundred pages long, and I would love to assume that everyone has read every word of that in detail, but alas, we know many of us have not. I was asked if I could come to you all and offer, in a brief, interactive, hour-long session, just some of the most important practices. These are the things that we suggest are the most important for you to have in mind to be a good, productive group member and for the PDP as a whole to be successful. I have tried to do that and make this a session that will be a bit interactive and a little bit fun, in addition to sharing some ideally useful and applicable knowledge.

We want to start this off with a bit of a group discussion. I want to ask you all to just start by taking a bit of a step back and reflect on the needs and the perspectives that you and your stakeholder group bring to this PDP. We are going to spend ten to fifteen minutes going around and hearing from folks. What are some of the key goals and concerns regarding the process that your group is bringing here? What are some of the core needs that need to be met by any consensus solution for it to feel workable and implementable for your group from where you are coming from?

I will give folks a minute to think here, but we are really trying to get at what those core needs and core goals are for you and your group.

That is going to be different depending on the group, of course. Reg, I see you have a hand, so we will get started. Why don't you introduce yourself and talk about what stakeholder group you are representing?

REG LEVY

Hi, thanks. This is Reg Levy from Tucows. I am a participant from the RrSG. I want to make sure that we take into account all of the various business models that are represented within registrars, whether or not they are members of the stakeholder group. There is a large diversity, and we all have different ways of being able to look at data. We all have different data that we even have access to and how it can be searched from within our systems.

I am aware that in the future we are going to have some examples and demonstrations, but even those are not necessarily descriptive of every single registrar that is represented by one of those models. That is a big concern for me.

TOBY BERKMAN

Great. Thanks, Reg. Accounting for multiple diverse business models is important. Let's hear from some others. This could be a contracted party or another stakeholder group. Volker, go ahead.

VOLKER GREIMANN

Thank you. My main goal, and for many of my constituency, is that we come up with something that is workable.

TOBY BERKMAN

Volker, can you just share with us which constituency you are speaking for?

VOLKER GREIMANN

I am speaking for the RrSG as their member on this group. I want something workable that essentially provides for more efficiency in fighting abuse rather than introducing roadblocks to our work. What I mean by that is that if we fight abuse in an intelligent manner and identify certain patterns of abuse that allow us to take down nests of abusive registrations very soon, that reduces the number of tickets that we have to go through and takes a big chunk out of the abuse that is being registered through our platform.

This is opposed to having to look at every complaint whether there might be more. If we have an indication there may be no more, and there is some likelihood that we find more, then we have to do that and we will get some efficiency out of that. But on the other hand, if we have to take extra steps for every complaint that we receive that will, in most cases, lead to nothing, then we will waste time that we could spend on fighting abuse in a more efficient manner.

TOBY BERKMAN

Great, thank you, Volker. Let's keep going down the queue, and I want to make sure we also hear from a whole range of groups. If you are civil society, an end user, intellectual property or business,

security or tech, let's hear from you as well. Vivek, you are next. Go ahead.

VIVEK GOYAL

Thank you. This is Vivek Goyal from the BC. My group's main concerns or main goals with this PDP are that it should be effective. Consensus should not come at the cost of defanging the whole process or the output being more lip service than being actually effective. We would like to see this PDP making a dent in the rising cases of abuse and helping the business community and the users of the internet feel safer when they are using the internet. Thank you.

TOBY BERKMAN

Great, thank you, Vivek. Nick, go ahead.

NICK WENBAN-SMITH

Hi, it is Nick Wenban-Smith. I am employed by Nominet, which is the .uk ccTLD, and I am here as a member of the working group on behalf of the ccNSO. I have got three real objectives I would like to see from this. First of all, I want this process to be a symbol of success for ICANN's multi-stakeholder model. I think that is an important part of why we are at the table.

I would like to see a good policy come out of this process which is implementable, proportionate, and reasonable, and ultimately reduces the amount of abuse. Fundamentally, I think where I am at is looking to improve the credibility and reputation of the domain

name industry as a result of what we are doing in this work. That is where I am in a nutshell. Thanks.

TOBY BERKMAN

Great, thank you. Martina, go ahead.

MARTINA BARBERO

Thank you very much. I am one of the two members from the GAC, and I think from a GAC perspective, the key goal is to raise the bar in terms of where we stand with the anti-DNS abuse policies before the new round kicks in. We want to improve the policy arsenal that we have so we increase the level of protection for our citizens and businesses. This is mainly our objective: to effectively find solutions for increasing issues, but do it in an efficient and effective way, possibly as soon as possible, because phishing and DNS abuse phenomena are increasing over time.

TOBY BERKMAN

Wonderful, thank you, Martina. Michaela, go ahead.

MICHAELA SHAPIRO

Thanks, Toby, and thank you so much for everyone's inputs already. I am here on behalf of the Non-Commercial Stakeholder Group, and I am referencing a couple of things that we have discussed in the session earlier today that was about a human rights impact assessment for specifically this policy development process. One of our priorities for this process is to ensure that when

we think about human rights impact assessments and the questions related to legitimacy, proportionality, and necessity, these are not one-and-done exercises just done at the beginning.

Rather, we want to see that this is an exercise that is done throughout the PDP, and it could be an example for future policy development processes going forward. Another element that is a big priority for us is the acknowledgement of end users' perspectives in this conversation and the potential impact on end users of the solutions that we develop through this process. Thanks.

TOBY BERKMAN

Great, thank you. Is there anyone else from a stakeholder group we haven't heard from who would like to offer up some of the core concerns? If not, we can move ahead. Reg, I see your hand up, but I am assuming that is from before. Okay. All right, let me just pull this down for a quick second so I can reshare.

The exercise that we are doing is essentially what we would call an interests mapping exercise or a mapping of the parties' key goals and concerns that are motivating you as part of this PDP. A core suggestion we want to offer you is that that kind of an exercise is one of the most important things that you can do as a group early on in this process. Actually take the time to clarify not just what it is that the parties want, but why. What are the needs, the goals, the

concerns, and the expectations behind some of the positions that the parties might be taking?

As you all were speaking, I was taking notes and populating this table. Contracted parties want multiple diverse business models and something that is workable and efficient in fighting abuse with few roadblocks. We heard from the ccNSO that they want this to be a symbol of multi-stakeholder success. From the business community, we heard actual effectiveness in mitigating abuse. From a human rights perspective, we heard about integrating human rights concerns throughout the process and making sure that end-user impacts are represented. From the GAC, we heard an interest in raising the bar and improving the policy arsenal to protect citizens and businesses.

A core mistake that groups often make in an exercise like this is they try to launch immediately into problem-solving without fully understanding the range of concerns and without essentially defining the problem. When they bump up against disagreements where different parties disagree on a particular approach, they get locked in a battle around the positions that the parties are taking. We are going to talk today about five different core ideas. This first one I want to suggest is one of the most important.

Members who are merely average in their effectiveness within groups ignore the importance of interests. They might also assume they already know the answer from the beginning, fail to generate value-creating options, misdiagnose the consequences of failure,

and discount the importance of culture and their impact on shaping it. Your goal as a group is to come up with a solution that is going to maximize the benefits for the community overall and create value for all the stakeholders around the table. Understanding the distinction between positions versus interests is core to that entire endeavor.

A position is something that a party might say they want. It is a request or a demand. An interest represents the goals, the concerns, the expectations, and the needs that the different parties are bringing to the process. It is the why behind the position. You might think about positions as the tip of the iceberg; the interest is what is underneath that is motivating it. I was asked to make this a little bit interactive, so I am going to do a quick exercise with you that underscores a serious point.

I want you to imagine that I am interested in renting a sixth-floor apartment in an apartment complex in Cambridge, Massachusetts. If that is my position, what are all the different interests and motivations that might be behind that position? Maybe I do not want any upstairs neighbors making noise. Maybe I just want to be across the street from work. Maybe I love elevators, or there is light and a nice breeze. Maybe I have a friend on the sixth floor and want to live next to them. Or maybe I am secretly Superman and I need roof access.

If I enter this negotiation with the building manager and I just stick to my position and they do not have a sixth-floor apartment, the

negotiation is over with no agreement. On the other hand, if the building manager asks why I want it and I say it is for exercise, they might offer a unit on the first floor directly next to the gym. If it is about a friend, they might have units on the second floor and suggest my friend moves too. When you move from positions to interests, you dramatically expand the space for problem-solving to come up with possible solutions that could meet the goals of all parties.

People are notoriously bad at this and get locked into their position. They forget to ask the other party to explain why something is so problematic for them. Core lesson: understand the importance of interests. At the beginning of this process, do a mapping exercise where you are transparent with each other about the deep concerns on each of the major issues. Ensure you understand not just your own interests, but others as well. That map gives you your problem set. What do you need to solve for? Then when you start coming up with solutions, you map them against the broader set of concerns for all parties.

I want you to look at the letters on your screen and count the total number of the letter F. Once you are ninety percent certain that you have counted the total number, write whatever you counted in the chat and stop counting. We see numbers ranging from nine to sixteen. There are actually sixteen Fs on the slide. This represents a simple, objectively verifiable fact, yet almost everyone did not get the answer correct. Even when folks saw the range of counts, many

were still reasonably certain they were correct. This is the case every single time I have done this exercise.

Imagine in the PDP, when it is not the case that everyone has observed the exact same data about the problem. This is not a simple counting exercise. Mitigating DNS abuse in a way that is workable for all the different parties involved is incredibly challenging and nuanced. If your thinking coming into this is that you know all the facts and your main purpose is to convince others to accept that, it is not going to be a recipe for a productive conversation. We all have partisan perceptions based on the data available to us and how we select it.

Even when people are looking at the same data, they pay attention to different things. We tend to pay more attention to data that confirms our existing perceptions and ignore data that disconfirms what we already believe. We also interpret the same data to pull a different story. We think in terms of heroes and villains, and typically we are the hero trying to save the day. Subgroups can reinforce these partisan perceptions. To be effective, we need to move beyond those partisan perceptions and get curious about the information and story behind a different understanding of the problem.

The registrars and registries have important information about operational realities and technical feasibility. Intellectual property and business interests have a perspective on the impacts of economic harms. Non-commercial and end users understand the

guardrails for data privacy and human rights impacts. Security and technical experts have a forensic understanding of how malicious actors exploit DNS infrastructure. The advice for an excellent group member is to try to get curious and understand the perspective behind something that seems wrong to you.

The third habit is generating value-creating options. Options are possible solutions that the stakeholders bring to the table to solve the task at hand. Your goal as a PDP is not just any solution that is minimally acceptable, but the one that meets the collective community interests the best. Base your options on those interests and do not put the cart before the horse. Consider the story of two children arguing over an orange where the parent cuts it in half. One child eats the fruit and throws out the peel, while the other needs the peel for a crust. The solution was equitable but divided the value in half because it was not based on an actual understanding of interests.

Create a space in your process where parties can invent ideas without them being seen as commitments. This encourages out-of-the-box thinking. If every new idea is immediately shut down, the space for value creation will shrink. We suggest playing "the game of what if" to generate possible solutions. You can also leverage differences to design smarter solutions. If I care a lot about one thing and you care about another, we can do trades to expand the value for both parties.

What does it look like to invent creative options? Maybe we define multiple specific technical indicators that trigger automatic suspension to protect end users from accidental takedowns. Maybe there is a quarantine where users can self-restore if they are legitimate. Perhaps there are notifiers that have demonstrated trustworthiness and get an express lane for faster takedowns. Or you all decide on a contingent agreement like a twelve-month pilot to test something out and make it less risky. Put the multiple interests on the table and be creative.

The fourth habit of average group members is that they misdiagnose the consequences of failure. We often don't like to think about the downside, but a pre-mortem is important. If this goes badly, what does that actually mean for you, your group, and the community? We need the solution to be better for everyone than the status quo. If a solution is so bad for a stakeholder group that they are not motivated to implement it, it will not be a sustainable agreement.

Think about what a consensus solution needs to include to be better than an alternative future. Make sure that if a solution is on the table that is better than your alternative, you say yes. A common mistake is to lose sight of what the actual alternative is. Sometimes parties become so invested in getting an agreement that they forget the alternative is good, or they get so frustrated that they say no even though that future is negative for them.

Parties tend to overestimate the likelihood of positive outcomes in their alternative and underestimate the downside.

Lastly, average group members discount the importance of group culture and their impact in shaping it. Research on emotions shows that positive versus negative emotions in a collaborative process will expand or narrow the zone of possible agreement. A good culture makes parties more willing to agree to mutually advantageous solutions. If people are angry, they engage in less problem-solving and focus on retaliation. Happy people tend to come to better individual and joint outcomes with fewer aggressive tactics.

How can you contribute to a good PDP culture? Agree upfront on process and norms and honor those working agreements. Be open and transparent in your communication and frame disagreements as a joint problem to solve. Approach differences with curiosity and foster deep inclusivity by ensuring all voices are included. Share the heavy lifting to help the group move forward. I want everyone to take a minute to think about one to two specific behaviors or approaches you want to embrace to help support a successful PDP. Make this your own and consider what specific intentions or commitments you want to make to yourself.

PAUL MCGRADY

For those of you participating remotely, you didn't lose your connection. We are just silently reflecting. FYI.

TOBY BERKMAN

Thanks, Paul. Let's open it up and hear from at least a couple of folks who are interested in sharing. Vivek, go ahead.

VIVEK GOYAL

Thank you. This is Vivek Goyal from the BC. I have been thinking about this since this PDP started. There is a huge technical aspect to this PDP and information that people outside the contracted party house may not have. I have been working in brand protection for about six years, and I can tell you I do not really understand associated domain names and what "associate" means. One of the key things I want to get out of this PDP is to understand how associated domain names work and what tools members of the registry and registrar groups use. We don't want to create a policy to say the same thing that is already being done.

TOBY BERKMAN

Thank you, Vivek. Erum, go ahead.

ERUM WELLING

Thank you. Erum Welling from the Root Server System Advisory Committee, which is the technical side. In order to get greater participation and a sense of inclusivity, it is not just offering an opportunity for people to speak up, but also proactively ensuring people have the knowledge they need to progress in their participation. A perfect example is when we first started the first session and people just started talking, assuming that everybody

knew who everybody was. That is one of the worst things you can do because it starts to shut people off.

Luckily, I am a very outspoken person, so I will ask who people are and say that I need more information. But there are a lot of people who will not say that and will just accept the fact that maybe they are not as knowledgeable as somebody else. It is very important to share knowledge. This is not an environment where knowledge should be considered power. Sharing knowledge is important in order to gain true partnership and consensus. Thank you.

TOBY BERKMAN

I hear a goal on your part to proactively share your own knowledge and support an environment where that is the group norm.

ERUM WELLING

Yes, thank you.

TOBY BERKMAN

Great, thank you.

PAUL MCGRADY

Toby, we have a physical hand. It is Eberhard.

EBERHARD LISSE

Thank you. I am Eberhard Lisse. I just wanted to ask the last speaker, who is she again?

ERUM WELLING

Thank you. I am Erum Welling from the Root Server System Advisory Committee, which includes the root operations and the technical side. My background is all cybersecurity and technology, so I hope to bring that to the table. I am excited about this topic being cybersecurity and technology-focused, so I am excited to be working on this. Thank you.

TOBY BERKMAN

All right, thanks, Erum. Well, Paul, I think you asked for two minutes before the top of the hour to wrap things up, so I will stop sharing. I want to thank you all for the participation and really hope that some of these practices are useful to you and that this PDP can really embrace them moving forward. You all seem like a wonderful group, and I am excited for the work you will be doing.

PAUL MCGRADY

Thank you, Toby. Okay, we have got some next steps up on the screen. I won't go through them in the minute that we have left, but I want to close out this session by giving you guys two thoughts. One, my promise to you is that we will honor compromises. We are not going to have people compromise throughout the term of this PDP and then at the last minute have things taken away or people going back on their deals. Whenever anyone makes a compromise as a chair, I write it down. At the end of the process, if people start

to yank that stuff back, I say no. I am going to bring that trust, and I trust you all not to do that to each other.

Secondly, even if this is your first PDP and you are around the table, we still need to hear from you. There is a reason why your group sent you here. It is important that you speak up. We are out of time. Thanks, everybody. Make sure you read that, and we will see you on Monday.

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