ICANN85 Mumbai | CF – Emerging Topics for GAC Discussion
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I will now give the floor to GAC Chair, Nico Caballero. Thank you.

NICOLAS CABALLERO

Thank you very much, Julia. Welcome back, everyone. It is my pleasure at this point to introduce these two next sessions. The first one, in which Dr. Balaji Rajendran, a good friend of mine to my right, you know, once again, from India, from the C-DAC, Center for Development of Advanced Computing, and Anoop, you know, are

going to be walking us through, you know, some details and nuances referred to the DNS as a foundation for digital identity.

The first session is going to be running for 45 minutes, and right after that we'll continue with the second topic of the day, which is the UDRP, Uniform Domain Name Dispute Resolution, a review that will last for about 45 minutes, and then hopefully we'll have enough time for a Q&A session.

For the UDRP session, Brian Beckham from the WIPO is going to be running the show, basically, and we're going to be joined by Mr. Zak Muscovitch, General Counsel of the ICA which stands for Internet Commerce Association. And I understand Susan Payne is also going to be here, but she'll join us in about half an hour or 45 minutes or whatever.

So, without further ado, let me give the floor to my distinguished colleague, Balaji from the C-DAC and the name of the presentation is DNS for digital identity evolving a trusted internet protocol. Balaji, all yours.

BALAJI RAJENDRAN Hello. Yeah, so I would like to just be moving around, I feel comfortable with the audience and my presentation. So basically, before I start my presentation, I want you to reflect on trust. So, how do you think trust happens in a real world?

You actually look for familiarity, familiarity with people, places, things, and also assurances. So, that's how actually things happen

in the real world, right? And of course, transparency strengthens the trust and it's basically a phenomena which emerges, trust actually is a phenomena it emerges when all of this familiarity, transparency, and assurances align in a straight line.

So, coming specifically to familiarity in the world of internet, basically it again originates from two things. First is identity and then followed by events, okay?

So, identity plus events will give you the familiarity and familiarity will yield you to the trust. So, this is kind of the lineup of items which are required for assuring trust in the world of internet. We all know that DNS is the human friendly identity anchor for all of us in the internet. The next slide please.

So, DNS, it gives us a globally unique namespace for all the entities which actually exist on the internet and we all know that it is a hierarchical delegation model which is being adopted and followed. And we know that the DNS is one of the core or critical components of the internet. Resiliency is built through a number of mechanisms including AnyCast and our service availability.

Finally, of course, in the last decade or before the decade, DNSSEC was introduced to ensure the origin of trust is securely provisioned and authenticated. So, this is the foundational element of trust. So what is being proposed here is the ability to, how do we move it forward to the next generation as the next digital identifier? Next slide, please.

So, DNS has been continuously evolving. As any operational system, the DNS system actually continuously evolves. It not only maps addresses from domain names to IP addresses, it also now serves as an authentication anchor through the DNSSEC. And going forward, it actually also acts as a brand trust signal.

And what is being proposed here in this particular session is, how we can ensure or add more strength to the trust elements here. Basically, how we can convert the domain name into a digital asset in the form of a non-fungible token which can be recorded on a blockchain network is one of the item which is going to be discussed in the next few slides.

And then we also have something emerging. We all know that in this world of AI today, agents are everywhere, right, and it's only a matter of time that we are going to see more of agents into the internet systems and how we need to create unique identities for those agents. These are certain discussions which are actually going up and shaping the things going forward. So, we'll just discuss or throw light on certain things which are actually happening there. Next slide please.

So, the first thing is, I also like to highlight the main part is the decentralized networks, a blockchain based networks which exist within the internet. And there are different naming systems which do not adhere to the DNS naming systems. So, can we bridge that? Can we create a service which is able to resolve the names which may be there in the decentralized networks also?

The reasons are a number. First thing is you also try to avoid fragmentation of namespaces and you have a unified namespace across the internet. Second thing is, in case of any malicious names which may be propagating in other side of the world that is in the decentralized network, you will be again keep it, record it, and track it here also in this particular system. So, these are some things which can also help us.

And third thing it can provide the convenience to the users. People who are using decentralized networks and systems, they will also be seamlessly switched between these name servers which is managed by ICANN as well as by the decentralized network systems. So, this is a proposition, a case for a universal name resolution service. Next slide, please.

Yeah, so the logic of the resolver is positioned in this way, where the queries, the user input queries come into it, and then based on the protocol which is being sought for or which is being asked for will be determined. And then a smart forwarder will dispatch it to the respective system, whether it is a current existing system or a classical system or a decentralized system. So, the forwarder will identify the query type and then it will route it.

So based on that, the output also can be enhanced with AI based, security-based features so that the user is directed to a safer and secure system or service which he was looking for. So, this is basically a modular and a flexible architecture that can be engineered into the logic of the DNS resolvers. Next slide, please.

Of course, the first things are being known and I think the last query from Mr. Santosh was in the last session. He also talked about the same set of RFCs, which has been mentioned here. And, of course, the last one is basically the fifth one, the DNS-based decentralized identifiers. So, this is an emerging thing. The idea is to provision a gateway for resolving these names also via unified interface.

Next slide, please. Next slide. Yeah, please. So, now I would like to go to the next segment of my talk which is basically AI in the DNS ecosystem. So currently today, we are facing a number of domain names that are generated by bots. Of course, for both good as well as not so good purposes. They are called as DGA, Domain Generated Names so generated by domain generated algorithms, DGAs.

So, these DGAs are detected, can be detected through the AI based system because AI is better in detecting what it does better. So, whether it is human generated or domain generated or machine algorithm generated domain names, it can be able to detect it.

Phishing detection, of course, AI can greatly enhance this thing. We can find out suspicious domain patterns, typosquatting attempts, et cetera. And fast-flux analysis, especially very rapidly changing DNS records and IP addresses can be figured out. And then through all of these things, abuse can be mitigated, DNS abuse can be mitigated and AI can greatly shape it. And we have implemented some of these operations and some of these components, the AI components for provisioning secure access to the users. Of course,

some of these are being in discussion stage of use of AI and all those things. Next slide please.

So, today when we are talking about AI, these are all primarily probabilistic systems. Of course, a decade ago, we always talk about rule-based AI, which is deterministic, but here we are going to talk about probabilistic systems, which means the output will be from something to 0 to 1. So, you take a set of input parameters, feed it to the ML model, that is machine learning model, and then that generates an output which can be between 0 to 1 and you take a decision based on that.

So, you can decide the threshold. Say, for example, you can say that if it is greater than 0.8 you can deem it as high risk or if it is 0.9 or 1.0 you can be pretty much sure that it is probably a malicious domain. Or if it is less than 0.5, it is a safer and secure domain to access.

So basically, these models are kept trained continuously. They deploy their employee algorithms which require continuous learning and continuous improvements because they see new data every time and this is how it actually progresses. So, I will not get into the deeper mathematics of it, but this is how the systems work, the probabilistic models. Next slide, please.

Yeah, so what features go into it? Of course, there can be hundreds of features that can go into domain name for consideration by the ML model, but if you group it into a class of features, then probably these are certain things which can be considered. The lexical

entropy of that domain name, how variant it is because generally, if the entropy is high, then probably it may refer to a machine-generated domain name. While if the entropy is less, then obviously it is a human-generated domain name.

Then reputation of IP addresses behind those domain names. If they have been seen in blacklisted list, then obviously it raises a red flag. Then the volatility of TTL, time to live, which basically monitors the anomalous changes in the values which may indicate attempts to evade detection or manipulate DNS resolution.

Second thing is about the behavioral detection. Any anomalous changes in query patterns or traffic patterns can raise red flags and the domain name registration age anomalies which can be there. So this is something which can be looked at and these are certain factors which can be considered by the ML model for further producing the probabilistic output that we are expecting it from. Next slide, please.

So, this summarizes it. So, by using AI, we are trying to do a risk assessment of the domain names, which will provide you a probability score of whether it is safer to use or safer not to access it.

But that policy threshold has to be set by the humans, whether you are tolerant, what is the tolerance level of your risk? Whether you are okay with something which says 0.9 or you are okay with something less than that. So that decision is to be taken by the system administrator or the user. The policy threshold is in the

hands of the human user who has to set that particular value. So, what is being proposed here is AI being used as a supporting tool for governance. Next slide please.

So going forward, what we are seeing here is, of course, when I said that agents are also going to be independently running on the internet, they need kind of a native naming system for them probably to distinguish between users and other human users. So, there are certain drafts which are talking about in particularly in IETF. And of course, as I said, whatever we discussed about AI is also being talked about, discussed in the NetOps working group. Yeah, next slide, please.

This is another proposition which we would like to propose for enhancing the DNS. We are aware about the non-fungible tokens, NFTs, where the domain name can be converted into an NFT. The information of the domain name can be converted into an NFT and can be recorded on a blockchain network.

What advantage does this give, is every transaction which may happen on the domain name is recorded and it provides a clear-cut audit trail. So that's the advantage of blockchain. And if it is done from day one, suppose a new domain is created, so then it provides audit trail from day zero onwards. That's one thing.

And it can also create a spin-off, a totally new reputation-based economy where the NFT can be leased or can be taken by another user, et cetera. If I want to give a particular example, let us say that, for example, I actually publish AI articles. Let us assume that I'm a

publisher of AI based news articles and I've created a domain value or a domain name for myself. And I've also created an NFT.

And tomorrow one of you come to me and say that, "Why don't you lease that NFT to me?" I will take it forward and probably expand it and enrich it with better articles than what I have given. So probably I agree for that and you take it up and you try to improve it. So, this is a sort of NFT based ownership change, meaning basically to improve the brand value of that particular domain name.

So, this also provides another interesting angle or perspective to this is typically any malicious entity will not be getting into this particular aspect or these particular scenarios. And then we also have a reputation-based learning mechanism that is basically domain as a service, where these high reputation domains can be -- meaning if the owner is willing to lease it or owner is willing to provide ownership to another person for a short term or a long term, that can also be done. And organizations can leverage this particular trust.

So, there are numerous advantages which we can gain by tokenizing the domain names as NFTs and recording them in blockchains, which provides auditability, transparency, and also a lot of business value and sense. Next slide, please.

And of course, the last point was -- can you just go to the previous slide, please, one moment? There can also be a secondary market which can also be created for the trading of these NFTS. So, that

can also be a possibility which can be there, yeah. Next slide, please.

So, this image or illustration gives you the flow of what happens when NFTs are being used. So basically, we are not changing anything. We are following the same process as you go and register the domain name, but additionally, apart from that, once you create a domain name, you also record it as an NFT or tokenize it and put it in a blockchain network.

So, this may be the cost and all those things we are not getting into this at this juncture, but it can be separately added as a value addition to the user as well as all the players in the DNS ecosystem. It can be done. So this is how the flow happens. At the time of creation itself, you create the non-fungible token and there can be a value addition which is being there. And of course, we need to have a global blockchain framework which is acceptable to all and things can be done. So this is something and of course, a secondary marketplace can be created for those NFTs which can be again further traded. Next slide, please.

So, what can go into the NFT? Say, for example, just in a case of illustration, if you take something like financial trust as a domain name when it was registered, any reputation score of that particular domain name as evidenced or as collected from various sources and DNSSEC, verified or not, who is the owner, organization name? What is the status of that instrument or the

NFT or the domain name can be recorded. And just gives an illustration typically.

So, starting from 2021, it was initially registered and 2022, it was further renewed. A security audit was done. 2023, there may be an ownership transfer which can be recorded. And 2024, there was a validation update of DNSSEC. And 2025, there was a reputation score which was actually happening.

And this is the current status. Everything can be seen because from day one, origins day to day state, everything can be seen in the sequence. So, this kind of tokenization provides a reputation which cannot be manipulated or faked or erased. And since it's going to be recorded on a blockchain where integrity is assured, this can be well taken care of.

So, these are the functional benefits, while technical benefits you also get the complete provenance of that particular domain name record. And even if case of any dispute resolution, you can see the complete audit trail of it. So, it also makes that things also easier. And again, secondary market transaction also can happen with full transparency, which is there. So, this tokenization can create an unalterable history, ensuring that reputation is assured. Next slide, please.

So, this presents the architecture of what has been discussed so far, starting with the Unified Name Resolution System. Which is not only able to resolve names in the classical domain space, but also in the names which may be exist in the decentralized domain

spaces. Based on that, the top layer will design where the traffic has to be diverted or where the traffic flow should happen.

The second one is basically the recording of the names or converting the domain names as non-fungible tokens and recording them in blockchains. So, this is an unchangeable record that will serve as the audit plane. And further going down, you also have the AI policy trigger which is having a policy threshold set by humans based on the parameters for a given domain name. A probabilistic output will be determined and you will be able to do it.

So, these are the three core components which can bring in a lot of, both technical utility as well as functional value to the system. So, here in this scenario, blockchain will just provide the audit capabilities while DNS does the actual resolution based on the policies that has been set. So this provides the stability of protocol, regulatory compliance, enhanced accountability within the unified framework. So next slide, please.

So what this does not do, that is the important crux of this point. So, this does not establish anything, very different alternative or something like that. Everything is intact. There is no change to the protocols that we described. We do not aim to circumvent anything here. Everything is followed exactly as it is happening today and nothing requires this thing. And also, even the PKI or anything, the public infrastructure that is not superseded, the DNSSEC reminds assets, everything is taken care of.

So, blockchain integration is basically an optional component that can give more value to all the players in the ecosystem, so that can be further traded or whatever it is, so that is another thing. And also, can provide you reputation. So, by integrating, the last one is basically the namespace fragmentation that also does not happen.

What we are proposing here is to have the resolution system for the names which may be existing in models of the internet which is actually not described here. So this is what actually very minimal changes which there is no changes. Basically, additions which can enhance and enrich especially the DNS resolution logic is being told here.

Next slide, please. So again, the proposed outcome, the source of trust remains same. There is the authoritative test. I can access the authoritative route of trust. This proposal also tries to avoid fragmentation of namespaces and it follows the multi-stakeholder model which has been there. And also provides interoperability between multiple networks and systems and guided evolution which is there.

The next step, please. Next slide, please. So the crux of this point is to have resolver, meaning when we talk about DNS as a digital identity, we need to have the resolver and that resolver should be more trusted. So, how the resolver should shape up, it should be able to orchestrate beyond the classical DNS systems, get into decentralized namespaces, resolve it. Strengthening by provenance that is blockchain and NFT anchoring, immutable

lifecycle records from first registrations and then accountability, that is any integrity and all those things can also be derived from this particular blockchain recording.

And finally, AI comes into picture where the parameters and attributes of a domain name can be analyzed and a policy layer can decide or set the threshold as per the user requirements of what is considered as a trusted or safe domain and what is not. So, all these components can give the strength to a new age trusted DNS resolver.

So, with that, I would like to end my session and I'm like willing to listen to your perspectives and questions. Next slide, please. Thank you.

NICOLAS CABALLERO: Thank you so much, Dr. Balaji. A big round of applause for Dr. Rajendra in the first place and before I open the floor for comments and questions, congratulations on the hard work. I have a question myself. Have you talked about this with ICANN OCTO? And if that is the case, what was the answer so far? Or you're just presenting to us and then you will talk to OCTO? What is the situation as of today?

BALAJI RAJENDRAN: Okay. We have spoken with other forums like APTLD, Asia Pacific, TLD forums and others, but ICANN OCTO, we have not spoken.

Though informal communications and chat we have had with members regarding this concept So that's the point.

NICOLAS CABALLERO: Thank you, thank you very much. I have a hand from the European Commission. Martina?

MARTINA BARBERO: Good morning, sorry for my voice again. It's the first time I speak this morning. It's early here. Thank you very much for this very interesting presentation. I really appreciated that. I was trying to understand whether this is a plan for future research. Is this something already at the proof-of-concept stage? Or where you stand exactly in terms of like the development of these ideas?

I appreciate the question from Nico on also in the discussion with the community, but it was just really more trying to understand if it's a research agenda for the future, or if it's something that is already at the concrete work that is going on? Thank you.

BALAJI RAJENDRAN: Yeah, so basically, it's primarily a research agenda and trying to see how this can be shaped, that's objective, but certain components like using AI for safer resolution of domain names, that's already kind of been existing and it's been tested also to certain extent. And this can be adopted by anyone individually and that is actually

possible, but other things basically require a lot of community support.

NICOLAS CABALLERO: Thank you. Thank you, European Commission. Thank you, Balaji, for the answer. So, up and the floor is still open, of course, for questions. So, the way I understand it is, this is not being implemented at the moment in India. Is that the case, or it is actually an ongoing effort?

BALAJI RAJENDRAN: See, especially AI based safer resolution that is already being implemented, the number of algorithms, actually the commonly used AI algorithms actually has been taken up and the scores have been arrived, and safer and secure resolution has been provisioned. That is, what I can say, from an academic and research perspective, it has already been done. And it's also catering to certain users in a very limited way. It has already been there.

But taking it up to provisioning for NFTs and taking it to the next other levels, I think universal resolutions and things like that. Of course, very limited thing has happened, but it requires again the entire support of the community. That's the point.

NICOLAS CABALLERO: Thank you, Dr. Balaji. The floor is still open. Any other comment or question? I don't see any hand online or in the room. I have one

last question. And the way I understand this, doctor, is that this is basically in terms of algorithms, right? A mix of clustering, on the one hand, clustering algorithms, and classification algorithms on the other hand, right?

So in that regard, in terms of infrastructure, have you calculated more or less the infrastructure needs in terms of investment that would be needed to implement this at a national level let's say? For example, if it were for India.

BALAJI RAJENDRAN

Okay, that's a very interesting and important question as well. The thing is that, we have calculated -- maybe not at the country level, but definitely at a limited user level, we did some calculations and we have been working on it. The thing is that, meaning the issue is that here basically the ML model which we are talking about. So the ML model, meaning you have a model which is keeps running for a long, meaning it can keep on enhancing. There are other concepts like federated learning which can be brought into it and you don't need a huge or a big infrastructure change which may be required.

But of course, there is one place or one component which may be required at a big level, but remaining resolvers can keep operating at the same set of infrastructure which is currently being used. So, this is as far as the AI part is concerned.

And as far as the naming or resolution at the non-decentralized names are concerned, decentralized networks are concerned, of course, you need to either pass on the query to that particular networks or you run a resolver of that particular protocol. And then you try to resolve it. That may require resources.

Again, it all depends on how much resources that you can offer to. If you have really constrained for resources, there is really nothing or almost very minimal change which may be required, minimal amount of infrastructure may be required. But if you have a big or a huge infrastructure at your disposal, you can really provision a very strong and robust system.

NICOLAS CABALLERO Thank you, again. The floor is still open and given the fact that we still have six minutes for this session, I swear to God, I'll ask the last question on my side which has to do with the licensing.

I assume this would be an open-sourced licensing. I would assume GPLv2 or GPLv3 or something like that because I would assume that you would have a neural network model, including the loss function, the cross-entropy or whatever method you choose. And a sigmoid function for the outcome layer and so on and so forth. And the whole thing would be included into a model and that model would be licensed as GPL or will it be proprietary? You envision GPL two, three?

BALAJI RAJENDRAN

So basically, the first thing is, the AI part is more of, meaning the research which was put into action to limited environment. The algorithms are quite well known and everyone can actually take it up and use it. So it's not any proprietary algorithm per se which has been created. It's a common as you rightly mentioned. It's the random forest class of algorithms which has actually been taken up and used here for these purposes.

So, the algorithms per se are basically available in the world openly, but the main thing is the policy customization. So, as I mentioned in the policy customization part, it's up to the user community to decide on the threshold level which they would want to set. So whether they would prefer a higher threshold or a lower threshold, that is the customization that is left to the individual user or organization to decide and that decision is within them.

The rest of the part, say, for example, we use 7 to 8 algorithms and find the majority of it, which is for any given domain name, and then we decide what is the take which has been given, whether it is a benign domain name or a malicious domain name. So, that decision is actually taken based on a seven to eight algorithms which has been running on a given particular domain name.

Meaning that actually does not talk about any proprietary use of any algorithms per se. So, it's all openly, publicly available algorithms. But what actually means is the tweaking which can happen in the policy layer or the policy decision.

So, I can probably say that out of the seven algorithms, I can say probably four, where you can probably say I need six, all the six to be giving a clean sheet to the algorithm, then I will probably pass on this other domain. So that's how I will declare the domain as benign. So that decision is up to the user and the organization which is implementing it. So, this is my point, yeah.

ANOOP KUMAR PANDEY

But the feature extraction is also another important part that you got a domain URL and what features are we extracting that can be fed into those algorithms to decide for maliciousness or not? So, that is also important. So we can put that up for discussion and maybe the community can help us or suggest what all can be added, what can be removed, which doesn't have any significance.

NICOLAS CABALLERO

Thank you very much. Any last comment or question? I don't see hands online and seeing no hands in the room, let's give a big round of applause to Dr. Rajendran and Anoop. Thank you very much. So at this point, we're going to be talking about UDRP, Uniform Domain Name Dispute Resolution, and for that, let me call to the head table to Brian, Zak, and Susan Payne. If she happens to be in the room, please join me at the head table. Please, sit down. So welcome, Brian and Zak.

As I said before, this is the second part of our session today. They're going to be walking us through the UDRP review and we're going to

have 45 minutes for this. Hopefully, you know 10 or 15 minutes for a good Q&A session just like we did with Dr. Rajendran a little bit, five minutes ago. So, Brian, the floor is yours, welcome.

BRIAN BECKHAM

Thank you, Chair. Thank you, Nico. Dear colleagues, thank you for the opportunity to present the work of WIPO and ICA on a project to review the UDRP for future scoping work that ICANN's GNSO Council intends to undertake. Next slide, please.

So, some of you will be well familiar with this, but for those of you who aren't, in the late 90s, it was clear that there was a clash between trademark rights and domain names. And at the request of member states, WIPO convened an international consultation process spanning nearly two years and came out with a report for recommendations to address the problem of what was called cyber-squatting.

The report covered a number of topics. The core one was for a uniform dispute resolution policy to cover all top-level domains globally, unlike trademark law and court action, which was territorial.

The report that WIPO produced was adopted by ICANN's DNSO, and that was the first consensus policy ever adopted by ICANN in 1999. And under WIPO's leadership, it's been successfully running for the past 25 years. And one of the core benefits is that it allows the registries and registrars to avoid getting embroiled in trademark

disputes. It allows private parties to avoid going to national courts around the world and saves great time and cost for everyone involved.

And almost 100 country code top-level domains have adopted either the UDRP wholesale or have adopted a localized variation to account for national law. And we assist almost 86 country code top-level domains in the management of their dispute resolution system as part of our services to member states. Next slide.

ZAK MUSCOVITCH

Yeah, I want everyone in the room to appreciate the UDRP the way I appreciate it. This was truly a revolutionary experiment when it was created in 1999. International dispute resolution done entirely online, regardless of the jurisdiction of the particular register, to the trademark owner, they could avail themselves of the UDRP.

Since then, over 100,000 cases, but those 100,000 cases involve panelists, practitioners, case administrators. Hundreds of millions of dollars have been invested throughout the past 25 years in the UDRP by the parties, by the panelists, and by the council, and by the clients, and by the respondents. And so, it's really important to appreciate that the UDRP lives on with very little ICANN involvement. Relatively successfully, I might add, but that after 25 years it does deserve some attention and some love from ICANN.

BRIAN BECKHAM

Next slide please. Do you want to cover this?

ZAK MUSCOVITCH

Yeah. So, as you can see, in February 2016, the GNSO Council voted to initiate the policy development process to review all rights protection mechanisms and that was going to be done in two phases. The first phase was Uniform Rapid Suspension, which is a very light version of the UDRP that's relatively seldomly used.

The Trademark Clearinghouse and the two other, the Sunrise and Trademark Claims Service, the Trademark Post-Delegation, all that was covered in Phase 1, but UDRP was not even gotten to. Phase 2 has not commenced yet despite that 2016 GNSO Council vote. Next slide.

The final report from that Phase 1, which did not cover UDRP, was from 2020. Next slide. Today -- well this is a slide from the last ICANN meeting, but my understanding is that we're in a similar situation today at ICANN85, is that the Phase 1 recommendations have not yet been fully implemented, and of course we haven't even commenced Phase 2 as of yet. Next slide.

BRIAN BECKHAM

The core reason we decided to undertake this work was in the Phase 1 work, which Zak has mentioned, took four and a half years and has yet to be implemented. A lot of the reason that the work proceeded in the way it did, it's widely recognized, is down to the fact that the charter for the work wasn't properly scoped. And so, there's been a recognition.

This is a slide from a council update from, I believe, the last ICANN meeting. There's a recognition in the community by the council that the Phase 2 work of the Rights Protection Review, which is the UDRP, needs to be more carefully chartered than the first phase. So that we can be as efficient as possible, as focused as possible, and produce good results in a timely manner.

So, our organizations came together and thought we have between ourselves hands-on experience running the UDRP, being involved in cases in the UDRP over the past 25 years, and we can take that experience and help to share the things that we've learned. Some of those are operational, some of those are a bit more legal, but share the lessons learned over the past 25 years with the ICANN community in a documented report.

ZAK MUSCOVITCH It was that Phase 1 experience which really led, as Brian mentioned, to this collaboration because a lot of the participants, in fact, I'd venture most of the participants in that Phase 1, which went on for four years and wasn't dealing with a subject matter nearly as robust as UDRP, was that no one wanted to do that again for a Phase 2. They didn't want to go through the experience again, but yet the same people often realize that the UDRP still needs to be reviewed.

There are things that we've learned after 25 years that can be implemented. And so, the fear of a repeat of Phase 1 led us to say, what can we do, how can we collaborate to come up with

something that's achievable, that's efficient, that isn't a repeat of the Phase 1 experience, that has readily available results?

And just so you know where each of us are coming from, I'm General Counsel to the Internet Commerce Association. It's a DC-based trade association for domain name investors and registrants. We have historically seen things very differently from each other when it comes to the UDRP.

My organization has been a vocal critic of the UDRP, but yet at the end of the day, we realize that there must at some point be consensus building and collaboration. And the community who's most involved in this policy in the UDRP needs to speak up because we know what is best and what's reasonably achievable.

BRIAN BECKHAM: Next slide, please. This is a screenshot of the report that we've produced on our webpage. It details the history of how we got where we are. There's a final report and an executive summary. Next slide, please. So, this is, again, just a screenshot of the cover of the report and the executive summary.

ZAK MUSCOVITCH: Brian, maybe at this point we should say a few words about who was involved in this process. Next slide, okay.

BRIAN BECKHAM

Exactly. So, how did we go about this? It was clear to us that we needed people from different viewpoints. We needed an inclusive group that represented, not only brand owners who filed the UDRP cases, council who are involved in the UDRP, both for brand owners and for registrants, registrants themselves, panelists to the UDRP cases, and two individuals who were the lead faculty.

For every year in Geneva, we host a series of events. One is a meeting of our UDRP panelists where the case law is discussed and the panelists look into the future and look at future developments in the DNS and how those will be addressed in the UDRP cases. And then we convene a two-day workshop where filing parties and people involved in the UDRP ecosystem receive two days of legal training. And so, we invited the faculty for our training workshop to also participate in this working group.

So, we convened a group of 16 experts with collectively many, many thousands of hours of practical hands-on experience. The data that underpins the experience that they have managing the UDRP cases day in and day out underpins all of the work that we did and the outputs, the recommendations. That said, we know that there are many people that have a lot of opinions around the UDRP, and so we wanted to broaden that circle.

So, we had to find a right balance between a nimble enough group that we can actually proceed at a reasonable pace and get work done and produce a report to ICANN, but also be as inclusive as possible and involve stakeholders outside of the group of experts.

And so, we had a series of dedicated sessions over the course of last summer where we invited an additional 28 subject matter experts.

So, this included non-commercial users, additional brand owners, UDRP providers, really everyone in the entire UDRP ecosystem, registrars, other ccTLDs. We learned from our friends at Nominet who have an appeal system in their version of the UDRP.

So, we really tried to be as expansive as possible. And so, through the course of our work, it was clear that there were going to be differences of opinion on some categories. And so, what we did was we kind of batched those into categories, and I think Zak would agree that we were very pleasantly surprised that for a group of stakeholders who often have divergent views in the UDRP, that there was unanimous support for I think over half of the recommendations in the report.

And one of the very first calls that we undertook, one of our working group members who is known to be a rather vocal critic of the UDRP, really set the tone for us. Which was, rather than engage in protracted horse trading that would undermine the effectiveness for the UDRP for everyone involved, we all agreed that our base principle was to maintain the stability of the UDRP with the mindset of do no harm and try to make improvements where we can, based on practical experience.

For over half of the recommendations in our report, the group was unanimous in their agreement that these were practical

adjustments to the UDRP. We can think of those in ICANN terms as implementation details.

So, these were practical things that providers could do that would help to make the case processing more efficient. And there was another group of recommendations that were nearly unanimous support amongst the working group, but there was a little bit more time needed to come to agreement and there was a little bit of nuance. I think, frankly, we could have very readily gotten there if we gave ourselves more time, but we also wanted to produce a report and get that over to the council in a timely fashion.

ZAK MUSCOVITCH We can go to the next slide and I just want to share a couple of thoughts on that is, not only were there unanimous recommendations for a substantial number of these policy issues, but there was unanimous recommendations in certain cases against opening up policy issues. And these are just as important in some cases because the assembled group, which was very diverse, international, varied perspectives, sometimes came together and said, "This is such a protracted, fraught issue that we know is on the table and we know it is not solvable. And so, let's not even open that up."

So, the recommendation was not just for certain things to happen, but against a handful of things happening altogether. Go ahead, Brian.

NICOLAS CABALLERO So just in case, let me stop for a while here in order to see if there are questions online or in the room, just to make sure we're all on the same page before moving on. And there's a hand from Switzerland. Please, go ahead. Actually, two hands, Switzerland you go first, then I have India.

JORGE CANCIO Thank you. Thank you, Nico. I'm Jorge Cancio, Switzerland for the record. There's an echo, I hear, but I go forward. So, I want to thank Brian and Zak for the presentation, also for the report. It looks like very deep work on this matter which is quite complex and very important for the functioning of the DNS. I would have two questions for them.

First is whether you envisage that there is any possibility of enlarging the rights that are protected under the UDRP. In the past, there have been questions about geographic indications or also about certain geographic names. So, that would be the first question.

And the second one is, what is especially Brian's take, as he is very familiar with ICANN PDPs, on how the GAC should engage in the next stages of the PDP? If, Brian, you have any recommendation for us to get prepared or to get organized. Thank you.

BRIAN BECKHAM

Thank you. Thank you, Jorge, for the question. I think this kind of tees up perfectly in respect of the second question, what's on the screen, but maybe I can address the first question. Two things I think are relevant to mention.

First, the report that I mentioned in the beginning, we call it the first WIPO report. During that report, the focus was on trademarks and that was because that was the identified pressing need at the time, and there was agreement internationally on trademark norms globally. So, the focus of the first WIPO report was on trademarks.

There was a second WIPO process that followed that, that looked at other identifiers, such as geographical indications that you mentioned, country names, international non-proprietary names for pharmaceutical substances, and others.

The report of that second WIPO process did not come out with a unanimous recommendation like the first report did, which was based on trademarks. And there are actually still today two agenda items at the WIPO Standing Committee on the Law of Trademarks, Industrial Designs, and Geographical Indications going to this subject matter.

And we were very well aware during the work that we undertook of the view. In fact, before we produced the final report, we put out an initial report for public comment very much like you would typically see in an ICANN working group process. And we received

quite a number of comments from organizations that represented GI holders. We received comments from some governments.

And so, I think the best thing I can do is to maybe read the actual recommendation from the report on that subject matter. And it says, the focus of the present report is on the trademark-based UDRP framework as adopted by ICANN.

At the same time, it is recognized that there was interest in expanding the scope of the UDRP to include other identifiers. We therefore consider this topic in terms of the Phase 2 review charter to be a matter for ICANN's GNSO Council. And so, both recognizing that there are discussions in the WIPO-SCT and that this chartering is a matter for the GNSO Council, that was the recommendation with respect to going beyond the trademark-based framework of the existing UDRP.

In terms of directions to take from here, some colleagues would recall in the Hague communiqué under issues of importance it was recorded that the ICANN bylaws actually call on ICANN in its policymaking processes to look to relevant public bodies with existing expertise that resides outside of ICANN. And in this case the World Intellectual Property Organization which was the author of the UDRP to inform the policy process.

Practically speaking, I think we can say what this means is that we know that the council has on its plate to review the charter for Phase 2. We produced a series of recommendations based on

practical experience, based on the firsthand knowledge of people with experience dealing with the UDRP day in and day out.

So, our suggestion would be to take the work that we've done and ask the GNSO to give that due consideration when it's looking at the chartering effort before it gets the Phase 2 review off the ground.

NICOLAS CABALLERO Thank you so much, Brian, for that detailed explanation. I have India next and then the European Commission. Please, go ahead, Santhosh.

T. SANTHOSH Thank you, Chair. Santhosh for the record. Now --

NICOLAS CABALLERO Could you please speak a little bit closer to the microphone, Santhosh? Thank you.

T. SANTHOSH Thank you, Chair. So, coming to the next steps on initiating the Phase 2 which is related to the reviewing of UDRP, we would request that more gTLD registrars and many ccTLDs to be opt-in for the tailored variation.

And herein which we believe that the ongoing review process presents an opportunity to examine whether the current cost

framework of UDRP precedents could be rationalized. Particularly to ensure greater accessibility for smaller rights holders, startups, and small-medium enterprises that may otherwise find disparate resolution financially cumbersome.

Now, coming to the WIPO ICA final report which identifies that possible introduction of an appeals layer within the UDRP system, which is an area worthy of further examination of the Phase 2 review process. What we have seen, that even though the expert group recognized that achieving consensus on the design of such a mechanism may require careful deliberations.

We believe that a limited and carefully structured internal revenue or appeals mechanism could strengthen the procedural legitimacy of the system while preserving the speed and efficiency that are central to the UDRP model. So we note that the UDRP was originally designed as a mechanism to address bad faith abusive domain name registration which was mainly involving the trademark rights commonly referred as cybersquatting.

So, during the past two decades, however, the digital ecosystem has evolved significantly, domain names are increasingly used in a variety of abusive practices including impersonation, phishing, misleading commercialized activities, and fraud related schemes. So, we are summarizing that whether the new forms of abuses are being considered by UDRP. Thank you.

BRIAN BECKHAM

Thank you. Thank you, India, for the question. Let me go in a slightly different order than your questions and first start with, I think, a quick and easy answer on appeals. Personally speaking, I completely agree and I think amongst the project team, in fact, there was agreement that this would be a useful addition to the UDRP, there were a lot of really specific questions that we thought were better addressed in an ICANN working group.

So, for instance, should the record be based on the prior case or should it be considered de novo? What should the number of panelists involved in an appeals be? Should it be one member? Should it be three members? Who should those panelists be?

So broadly speaking, I think you would find there was agreement on the project team that having an appeal layer would be a useful addition to the UDRP. And frankly, the idea being that it would save participants in the UDRP from time and expense going to national courts, but we thought it wasn't necessary to iron out all of those specific details and we could leave those to an ICANN working group.

In terms of ccTLDs, certainly the experiences of ccTLDs that we work with at WIPO were taken into account. In fact, we had special sessions with some of our ccTLDs partners to help inform the policy recommendations that came out. One example was in some country code dispute resolution systems, there's a mediation component, that was one of the topics that was considered during our process.

In terms of the question of fees, there was a recommendation that goes to this question. We felt that it was enough to record the views of the project team that it was something that should be further investigated by an ICANN working group, but we didn't make a specific recommendation on what that should look like in practice.

In terms of the last question about the problem of cybersquatting, which in 2025, we had our highest number of UDRP cases filed over all of the 25 years we've been doing this and I think that really speaks to broader policy questions. We have on kind of one end of the spectrum, if you will, discussions around the focused issue of DNS abuse, and there's various work tracks that have dealt with that and continue to deal with that. Kind of on the other end of the spectrum, if you will, you have the UDRP.

Increasingly, over the past five or six years, cases filed under the UDRP also involve the types of behavior that are covered by the DNS abuse definition. So, we have cases filed where there's phishing, malware distribution, fake invoices, scams, criminal behavior involved.

What we tend to see is that the participants in those cases are aware of different avenues to take those domain name downs more quickly at the registrar level, but they still file a EDRP case because they don't want to take the chance that that domain name gets re-registered by a later bad actor, so they'd like to put it in their house, so to speak, and protect it from being used again.

But obviously, there's a lot of room between those two ends of the spectrum, and that's probably something that would be the subject of a completely different policy discussion. So certainly, we can observe that more of the UDRP cases that are filed today involve more of these criminal types of behavior. And the fact that that increases obviously speaks to the need for different tools in the arsenal of registries and registrars and brand owners to address those evolving bad acts.

NICOLAS CABALLERO Thank you very much, Brian, and thank you for the question. For the sake of time, I would beg you to keep the questions or comments short in order to make sure that we'll give Susan Payne, who just joined us and is sitting to my right here, you know, to give her time for her presentation. So, I have the USA next. Susan?

SUSAN CHALMERS Thank you to our presenters. At ICANN, the way in which a group scopes its charter is crucial to the efficiency of the process that the charter is intended to govern. The GAC most recently encouraged narrowly tailored and narrowly scoped charters in the associated domain check PDPs in order to ensure timely outcomes.

Similarly, here for the Phase 2 UDRP review, we would support a narrowly tailored review and submit that the GNSO make good use of the WIPO ICA report as a resource to assist the GNSO in framing the upcoming review and identifying issues for further

consideration. And doing so would be consistent with the ICANN74 communiqué. Thank you.

NICOLAS CABALLERO Thank you, USA. There's a hand from the European commission next, Gemma?

GEMMA CAROLILLO Thank you very much, Nico. I'm Gemma Carolillo for the European Commission. I'm sorry, I had raised my hand earlier, for whatever reason it disappeared. And I take the opportunity that Susan has also joined us on the panel. I don't know who is the best place to answer, between Brian or Susan. And this is a follow up to the question from Jorge on the WIPO report and in particular the recommendation for the GNSO to consider the review of the scope of the UDRP.

I understood from the discussion with the GNSO from Susan that there is a queue for the GNSO to address all these reports and policy making, and that there was a preliminary consideration that the PDP would be needed to address the review of the scope. So, I was just seeking clarification whether there is further information on this process. Thank you.

SUSAN PAYNE Thank you very much, Gemma. Hello, everyone, it's Susan Payne here. I'm the chair of the GNSO Council and apologies, I couldn't join you right at the start of this session. The council's meeting with

the board was just before this and overlapped. Yeah, I think as I sort of mentioned briefly probably when we met earlier this week, one of the tasks that the GNSO Council is engaging in at the moment is coming up with a more formal process for how we prioritize our workload.

We do have various tools that sort of track efforts and keep a sort of track of what's on our radar. And they're very, very helpful, but they're not really a prioritization tool. And so, we are looking at some possible options for kind of factors we might bring into the mix and across the different kind of interests within the GNSO, how we might kind of coalesce around what should be next priorities.

And so, we know already that we have the current DNS abuse PDP that's just started. We have the second one that we have initiated, but has not been commenced yet, we need to formalize the charter for that one. We know that we have this work that will need to be done in relation to the registration data EPDP Phase 2 recommendations. So, this is the alignment of the policy relating to the SSAD and the RDRS system, that kind of supplemental recommendation work that we are about to kick off.

So, we already know that we have some fairly meaty work efforts on the plate at the moment or kind of in the near queue. And then there are a number of other potential work streams of which the UDRP is one.

And this is certainly one that we have in the past had a charter for both phases of the RPMs review. Phase 1 was dealing with the next

round, new gTLD kind of rights protections that were implemented. And so, that phase has gone ahead and implementation on those recommendations is being dealt with by staff, but is close to being finished I understand.

But Phase 2 is that review of the UDRP and you know to date we have been deferring the commencement of that work effort partly due to wishing to see the Phase 1 implementation either be completed or be close to completed. Because there was a feeling that the same resources who we would imagine would be working on that would likely also be greatly interested in Phase 2.

You know, Phase 1 implementation was a factor, and then the other factor is just this general feeling of, you know, we have a number of things on our plate, and we will need to put them in some kind of priority order. And that will probably be the result of us going through a prioritization exercise of our workload more generally, and, you know, some trade-offs between different groups, quite frankly, about, you know, the priorities of you know one stakeholder group are not necessarily you know the same priorities as another.

So, that's the exercise we have to do of how do we balance those interests and then you know how do we balance the workload so that we don't start another effort that likely will be trying to take resources from an effort that we've already committed to doing.

I don't think anyone here would want us to do a UDRP review at this time if that meant we had to postpone Phase 2, the PDP-2 on DNS

abuse, for example. I'm not saying that's the case. I'm just saying that's the kind of conversation we will have to have.

But in terms of the more general question about what the charter looks like, I think it's very clear that before we kick the review of the UDRP, we will revisit the charter. Because the charter now dates back quite some years to the time when we chartered Phase 1 as well and I think we all agree we've done a lot of work in the GNSO about trying to improve our PDP processes. And one of those improvements is around more narrowly targeted charters, more focused charter questions.

I think it's fair to say that the current version of the charter, which is now very out of date, is more of a collection of everyone's issues and wish lists dumped into the document. And I think we are clear that we do need to revise, you know, go back to that charter and improve it before we would kick this work off.

And absolutely the work that WIPO and the ICA, I would like to see us, you know, have consideration of that. It may not be the only consideration when we're chartering, but I think we would do well to take the benefit of expert input where we can do.

ZAK MUSCOVITCH Yeah, if I can just touch on that for a moment, Nico. Likewise, we're sensitive to the priorities and burdens that the GNSO is of course facing. And that relates to what I remarked upon earlier in the session, is that this project was truly born out of that sensitivity.

What we tried to accomplish here is provide certain signals to the GNSO based upon what we were able to identify from our consultations and deliberations. So, by identifying easily implementable in the short-term fixes, things that are practitioner oriented, timelines for payment of fees, procedures for withdrawing complaints, very, very practical solutions, those kinds of solutions need not await the resolution of the larger issues.

Larger issues which deserve much more deliberation can carry on either contemporaneously or subsequently. But we truly hope that the GNSO will appreciate what we've provided, which are really valuable, crucial signals about what is achievable in the short-term and is not a heavy lift. Thank you.

NICOLAS CABALLERO Thank you so much, Susan, Zak and sorry for interrupting you halfway through your presentation, but I just wanted to make sure that, you know, we would have the chance to, and that was indeed the case, you know, to ask some very important questions, as far as I can see. So we still have, as a matter of fact, seven minutes for you to finish your presentation and for us, you know, to ask some additional questions. So, Susan, all yours.

SUSAN PAYNE So, to be honest, Nico, I didn't really have a presentation and I was going to make the sorts of points that I've just been making in

answer to Gemma. So, I really much rather hear from the colleagues here if there are other questions.

BRIAN BECKHAM Maybe while we do that, we could skip ahead to, I think, the second to last or even the last slide. One more, one more, one more. Okay, so this is what Zak was just talking about, and then maybe we can just land it on the last slide. So, I think this really just sort of recaps what Zak and Susan were talking about.

We know there are a lot of important topics competing for ICANN's attention. We knew there was a need to redo the charter from the Phase 1 review before we get underway with Phase 2. We also knew that we had expertise, both inside and outside of the ICANN community that had a lot of good expertise and hands-on experience that could help inform that process. And so, that really underpinned the work that we undertook over the past 18 months.

And so, we really hope that ICANN can pick up the baton from here and make the best use of its resources. Again, we know there's a lot of important topics competing for attention. We also believe that the UDRP is one of them, but we thought we wanted to help smooth the path towards a successful policy outcome in an ICANN working group.

And again, just to reiterate what Zak mentioned, amongst the topics in the report, we believe there are a number that panelists, sorry, providers may be already able to implement at the level of

the provision of their service today. One example is that we actually, on Monday of this week, announced that we are providing an option for parties to ask for a fast track of UDRP case processing. This was one of the recommendations in the report.

So, we think there are some recommendations that are based on the practical experience of the people who are involved in the UDRP day in and day out that can already be adopted at a practical working level within the framework of the UDRP, the UDRP rules, and the provider supplemental rules to address some of those lessons learned over the past 25 years.

And there are some that require a deeper dive and policy work in an ICANN working group, but for the ones that can be already adjusted to adapt to the case experiences over the years, then we think that those need not necessarily wait for some of the issues that require more rolling up of sleeves in a working group.

NICOLAS CABALLERO Thank you so much, Brian. Zak, Susan, we still have four minutes for questions or comments, but in the meantime, is there anything you would like to mention at this point? We still have time. We're good.

SUSAN PAYNE I was just going to say, actually, that's a really useful reminder and interesting point that Brian's made, that even if it is not quite the time for some policy work, there may be hopefully some

improvements that can either be adopted voluntarily or could be encouraged at a sort of collective level that perhaps are not policy matters, but are much more of an operational issue.

NICOLAS CABALLERO: Thank you, Susan. I just wanted to make sure that you know my distinguished GAC colleagues still have the chance to ask any questions or any comments. Just grab a microphone, yes, please, go ahead. Please, try to make it short and sweet. That's the only thing.

BRIAN BECKHAM: Before we get to the question, I just want to say, and I know I speak for Zak when I say, we really want to thank the members of our project team. We undertook this effort based on many volunteer hours of the members of our project team.

We did it because as a specialized agency of the United Nations whose competence is intellectual property, we felt that this was squarely within our remit to show our continued investment in the UDRP, but of course, we couldn't have done it without the project team. So, we're really grateful to the many dozens of hours that they donated to us to produce this report for ICANN.

ZAK MUSCOVITCH

Yeah, and if I may add to that, we're proud of the recommendations that we made in the report, but I dare say we're equally proud with the proof of concept. What do I mean by that?

The project itself is proof of concept that ICANN can work and can work efficiently and can provide meaningful implementable solutions in the short term. And that diverse stakeholders with very different perspectives can still get together to make things happen.

And so, it's a very positive exercise in my view, aside from the important proposals specifically. And so, I'd like all the states to bear that in mind, and people who are involved in ICANN, to look at this project and to take advantage of what we've done as a model for consensus building and constructive work within the ICANN process.

NICOLAS CABALLERO

Thank you, Zak. Before we run out of time, I just want to make sure I give the floor to my distinguished colleague, Kathy Kleiman. Please, go ahead.

KATHY KLEIMAN

Thank you so much, Mr. Chair, and thank you for the honor of being able to speak today in the GAC session. I'm Kathy Kleiman, and I'm a founding member of the Non-Commercial Users Constituency and with Brian, I co-chaired Phase 1. It was a full and fair review of the recommendations of the GNSO Council, the board, and the

community on the Trademark Clearinghouse, the Uniform Rapid Suspension, and Trademark Claims.

And we started with an independent data study of the Trademark Clearinghouse, which allowed us to engage in an independent data-driven analysis of the Clearinghouse, including problems we never expected to see arising from the data.

Here, for the UDRP, despite 100,000 gTLD complaints, we have no independent data study and we've asked for it again and again, and we continue to ask for it in the GNSO. But a research team from Georgia Tech, a school of electrical and computer engineering has now used AI to investigate the over 95% of UDRP claims in which the registrant cannot respond.

Under the UDRP rules, it's not an automatic loss if you can't come in. We knew many registrants would never be able to respond, but there was supposed to be a full and fair review of their legitimate rights and interests. We looked at every UDRP decision from 2015 to 2025 and I bring this offer from the data scientists at Georgia Tech.

Quote, we investigated how failing to file a response, a default, affects respondents' chances of winning a dispute. We found that defaulting respondents, registrants, were 10 times less likely to win a dispute than respondents who participated.

And I'll add, like Zak's community does, they can pay for attorneys who participated, and that panelists provided little context for

their decision when ordering the transfer of a defaulting respondent's domain name. We also identified hundreds of disputes in which defaulting respondents lost, while participating respondents won in cases with similar facts.

To ensure our analyses are actionable for the ICANN community, we, the scientists, the AI scientists would like to engage in productive conversations and to make a longer paragraph short, they would like to come to Seville and present and share their findings with you and talk with you. Thank you so much.

NICOLAS CABALLERO Oh, no. Thank you, Kathy. That's all we have time for. Sorry for going over time two or three minutes. So, thank you, Brian, thank you, Zak, thank you, Susan.

So, for the GAC, bear in mind, after the lunch break, we'll have three communiqué drafting sessions for today. So, depending on how it goes, we might or might not need to use the session tomorrow. So, bear in mind, please try to refine, you know, fine tweak or whatever the text we have prepared so far in order to make efficient use of our time.

So, we're stopping here. Thank you so much again. We're wrapping up the session. Please, be back in the room, this is for the GAC members, of course, at 1:15 right after lunch. Thank you very much.

**[END OF TRANSCRIPTION]**