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ICANN86 Seville | PF – GNSO: SSAD Supplemental Recommendations Session (3 of 3)  
Thursday, June 11, 2026 – 14:45 to 16:00 CEST

MARC ANDERSON

All right. Good afternoon, everyone. This is Marc Anderson. Welcome to the third of three SSAD SRT meetings here at ICANN 86. Really four, if you count the Day Zero event. So thank you, everybody, for making it through to this point. I'm happy to see a very full room here. Hopefully there'll still be a full room at the end. We have a pretty full agenda, so let me just get right to it. If we go to the next slide. Oh, sorry. Andrew, please.

ANDREW CHEN

Sorry. I have to read the script. Where is it? Please note, all chat sessions are... Hello and welcome to the SSAD SRT meeting, three of three. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior, the ICANN Community Anti-Harassment Policy, and the ICANN Community Participant Code of Conduct concerning statements of interest. Please observe the following guidelines to participate in this session. I will post them in the chat for your reference. Only questions posted in the Zoom chat and identified as a question will be read aloud during this session at this time and when directed by the chair of this session. If you wish to speak, please raise your hand in Zoom or otherwise as directed. When speaking, please state your

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name for the record and speak clearly at a moderate pace. Back to you, Marc.

MARC ANDERSON

Sorry about that. This is Marc Anderson, and welcome again to the SSAD SRT meeting. Why don't we go ahead and get right to the agenda? For those of you who remember from earlier, for today's agenda, we'll be covering Recommendation 6, which deals with priority levels. This is the fifth and final of our high-impact recommendations coming out of the recommendations from the RDRS Standing Committee. So we've gotten through four of the five high-priority items, and by the end of today, we'll have had a chance to cover all of them.

We're going to try and follow the same format today that we had yesterday. So we're going to sort of just go through high-level principles. We're going to have a nice flowchart from staff, and we'll cover that with a goal of just making sure we're all on the same page as far as a high-level principle of what we expect priority levels for the SSAD system to involve. And once we're done with that, we'll look at actual new proposed text. Again, this is based on the straw man and comments we've received so far, but we've tried to streamline it a little bit and get really to the meat of what we need to get to in our final output.

A couple other administrative items I just want to cover real quick. If you're an observer, welcome, but we will be restricting interventions during this meeting to members of the SRT. This is a

working meeting of the SRT. You're welcome to be in attendance. It's not a closed meeting, but participation will be closed to SRT members. I want to say thank you to everybody for following the queue yesterday. I didn't have any complaints following yesterday's meeting, so I'll take that as a sign that we did well. And I'll try and do the same thing today. So thank you again, everybody, for respecting the queue, and we'll try and stick with that today.

Another quick housekeeping item. We have not yet sent out the revised Rec. 8 language. We had an excellent discussion yesterday and really good feedback on the language that we projected in the room. And rather than send that language out, we're going to turn a new version of that, incorporating the feedback from our meeting yesterday, and we'll send that version out to the full list for review and feedback. We thought it better to incorporate what was discussed yesterday rather than have to rehash discussions we had in the meeting. So that's why you haven't seen yet a new revised Rec. 8. But we will be sending that out as soon as we've had a chance to regroup and revise that recommendation. All right. Let me just pause there for a second. Any questions on anything so far? All right, why don't we go to the next slide?

And this should now be a familiar slide. And if you're not tired of hearing me talk about this slide, I promise you, you will be by the end, because I'm going to keep saying this. The proposed recommendations that we're producing here need to balance the needs of the data controllers, the requesters, and the data subjects. Our job is to keep all of those groups in mind. There's a saying when

it comes to compromise: if everybody's equally unhappy, you've succeeded in the art of compromise. But I think in the case of SSAD, we succeeded in making everybody unhappy, but we did not produce successful recommendations. So if we're going to have successful recommendations, it really needs to balance the needs of the data controller, the requester, and the data subject, rather than making them all equally unhappy. Next, to make sure the recommendations allow sufficient flexibility for implementation. Are the recommendations implementable at the end of the day? And lastly, are these Board and GNSO Council ready? So next slide, please.

As I said, this discussion will focus on Recommendation 6, priority levels. If you've familiarized yourself with the original text, there were three priority levels and an awful lot of text that was associated with them, much of which probably does not apply anymore, and that is why the RDRS Standing Committee gave this a high level of impact. So the changes, I think, from where the original SSAD recommendations were to where we're going to end up are going to be significant. But with that in mind, I'll give you guys the same deal. If we get through all of this early, we're not going to add any other agenda items. We can leave early, even if that means we miss parts at the end. I don't know how that would happen, but we'll see. With that, I think I'm turning the floor over to Andrew. I think Andrew's going to walk us through the overarching principles to consider when modifying Recommendation 6. So, over to you, Andrew.

ANDREW CHEN

Thanks, Marc. Much appreciated. So on our screen up here are the overarching principles that we considered when modifying Recommendation 6. So the first one that we wanted to point out was that the definition of urgent request was amended slightly to be consistent with the established definition of urgent request that's found in Section 3.8 of the Registration Data Policy. The second point or principle that we as the leadership and staff support used to modify these recommendations was that contracted parties must have the ability to recategorize this improperly flagged priority level that has been sent in. For example, if a request is flagged as priority one and it doesn't meet the very limited definition of an urgent request, the contracted party has the opportunity to recategorize that as a standard request. The SSAD will then notify the requester that the contracted party has recategorized the request. The third point is that repeated instances of improper flagging of a request as urgent by a requester must have graduated consequences. That was something that was pointed out in previous discussions. And then the fourth point here is that the previous priority two flag was for UDRP- and URS-related requests mentioned in the original recommendations may no longer be needed. However, this policy does not impact required timelines under existing consensus policies. In other words, a registrar's requirement to respond to a UDRP verification request within two business days is not affected by the policy. So with that, I'm going to turn this back over to Marc.

MARC ANDERSON

Thanks, Andrew. In preparing for today's meeting, I thought it would be useful to ask Lisa to join us and give a little bit of an overview of how this was implemented in the RDRS. I think many of us are aware that we didn't have urgent requests in RDRS. I guess we still don't have urgent requests in RDRS. And so we went with a concept of having expedited requests, so we have regular requests and expedited requests. But I thought it would be useful to ask Lisa just to sort of walk through at a high level how priority levels were implemented in RDRS. I think there were some useful learnings that came out of that, which will help guide our work here in establishing new priority levels for SSAD. Before I turn it over to Lisa, I see there's a hand from Steve, who I don't see. But Steve, the floor is yours.

STEVE CROCKER

I have to unmute here. Can you hear me? Okay. I have some general thoughts about priorities in general. Every time I see the word priority, it--

MARC ANDERSON

Steve? Can I--

STEVE CROCKER

Yes.

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MARC ANDERSON

Sorry. We're getting a bad echo. Is there a spot we can get you up at the table, maybe?

STEVE CROCKER

Thank you. Is this better?

ANDREW CHEN

Yep.

MARC ANDERSON

Thank you.

STEVE CROCKER

So I have a very strong negative view of the word priority because every time I see it, to me it translates into, how do you decide what you're not going to do? So that's one comment. In this context, and sort of looking ahead at some of the discussion that I hope takes place here, the idea of reprioritizing, of the data holder saying, "We don't think that's the right categorization of priority." A better, stronger, and I think more successful thought is the categorization of the request in terms of how important it is and how consequential and so forth should be part of what's submitted. And if that is incorrect, then that's a bad submission, and a simple thing to do is to kick it back and say, "You have an inadequate or a broken submission. Redo it," just as you would do with any other aspect of the submission. So rather than having the data holder recategorize it, raise the idea of priority to a characteristic of the kind of request

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you're making, and it either is correct or it isn't. And if it isn't, then, as I say, go back and fix the request. Don't try to edit and fix the mistakes that the requester has made in formulating the request. Thank you.

MARC ANDERSON

Thanks, Steve. And I think all of that is on the table. I will note, and I don't want to steal Lisa's thunder too much here, but when the RDRS pilot first started, what you described was the original concept that we implemented. However, at the request of registrars, we implemented the ability to recategorize rather than just reject outright. But again, I'm really stealing Lisa's thunder here. Oh, Anne, did you want to jump in before I turn it over to Lisa?

ANNE AIKMAN-SCALESE

Yeah. Thank you. It's Anne. My understanding is that a lot of requests were made that were characterized as urgent, which actually don't meet our current definition. So I feel that when submitting, there ought to be a way to screen more specifically for the qualifications that we have in the policy that constitute urgent requests because just because somebody marks, "Oh, my request is urgent," does not mean that it's urgent. So there should be a screening. Maybe it's an implementation thing where you have to check the box under which category your urgent request qualifies as urgent.

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MARC ANDERSON

Thanks, Anne, and I see Owen's jumped into the queue, but I'll maybe draw the line after Owen because I think this conversation might be a little better to hear after Lisa tells us about what we implemented in RDRS and the learnings from that. But Owen, please go ahead.

OWEN SMIGELSKI

Thanks, Marc. Owen Smigelski. Well, if Lisa will touch on how people indicated that they had an urgent request, I will defer and wait until later because I have some feedback on that.

MARC ANDERSON

Fair enough. Thank you, Owen. And with that, Lisa, the floor is now yours. All you.

LISA

Thanks, Marc. Can you guys hear me? I don't know if I'm close enough to the mic. So as Marc mentioned earlier, the RDRS did not actually have the ability to submit urgent requests. We had two priority categories in the system, one standard and one expedited, and there was an explanation provided to requesters that an expedited request was not an urgent request, and that if they had an urgent request, they had to go directly to the registrar. They were also told that the registrar with an expedited request had the discretion to expedite it or not. So when those requests were submitted, and once registrars requested the ability to recategorize requests, that request, by the way, was made quite

early in the pilot, I think by December. We launched in November, and by December, they had requested the ability to recategorize based on what they were seeing. So that feature was available almost since the beginning of the pilot.

And for anybody who would like to know what those numbers look like, that was Metric 7 in the RDRS usage metrics report. The ability to report on how many changes happened from expedited to standard was added to reporting probably in May 2025, so you can also see that as part of Metric 7. Once a requester submitted the request and the registrar selected to change the request status, the requester automatically received an email from the system, from the NSP system on the registrar side, that their request had been recategorized and that the request was still in process, and they would be notified once the request was finalized. So all requesters were notified when their priority status was changed. Just as a note, in terms of the number of times the expedited request was changed to standard, of the 3,721 requests that were originally submitted, there were 169 times that a registrar changed the categorization from expedited to standard. And in general, about 94% of requests were standard and only about 6% were expedited. I think that's it, unless there's questions.

MARC ANDERSON

Thank you, Lisa. Owen, did you want to jump back in, or are you okay?

OWEN SMIGELSKI

No, no. Sorry. Thanks. I appreciate you calling on me. I was just doing some math over here. As a lawyer, I need to take shoes off and stuff like that to do my math. So I guess the question I had was, while I know that they were self-identified as expedited, do you have some clarity on what kind of guidance they were told about what that was? Because of the 90-ish or so expedited requests that we had in our data, only one of them was marginally something that should be expedited. It was a ransomware attack, and they had 24 hours to respond and pay \$5 million or something like that. The rest of them were just not. I can't tell you the number of UDRP requests that came in as expedited. And again, UDRP is not a reason to disclose data. So it was horribly misused. I'm just kind of curious what that kind of guidance was in there.

LISA CARTER

So the only guidance that was provided to requesters in terms of when they should choose expedited was in the actual user guide for requesters, and I believe it had something very simple and basic that said, if you believe it should be expedited, you can use this, but the registrar can change it. So there was nothing really explicit provided.

OWEN SMIGELSKI

Okay. Then I recommend having a gigantic grain of salt when considering the data for expedited versus non-expedited because

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nothing was. Because when everything's expedited, then nothing is, and I really think that's a problem. I think when the urgent requests, I was looking at the RDRS data and stuff like that, a lot of people said, "Oh, look at all those requests. Wow, there's a lot of demand for this." Yes, there's demand, but it wasn't true demand. Thanks.

MARC ANDERSON

Thanks, Owen. Alan, go ahead.

ALAN GREENBERG

Thank you. Two things. Number one, with regard to Owen's last comment, I fully agree that we need the ability to differentiate, but it can't be just at the registrar's discretion without any information back at the requester level of what will be considered expedited or not. So to ask someone, "Do you think it should be expedited?" without telling them the standard is just asking for problems. And Owen, I see wants to respond. But the second comment I have is what is the remediation for a registrar who downgrades everything indiscriminately? There doesn't seem to be either an appeal or a mechanism for detecting that and remediating it. Thank you.

MARC ANDERSON

Thanks, Alan. I guess, in order to help keep us disciplined on the queue, I'm going to also ask that we don't call out specific people, because that sort of facilitates queue jumping. But I'll go to Sarah,

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and then Owen, if you want to get into the queue, go ahead. But, Sarah, please.

SARAH WYLD

Thank you. This is Sarah. I have a few thoughts, some of which I will hold for when we look at actual text. But I want to note number four on the screen here. The previous priority two flag may no longer be needed. That's a big may. And looking at the straw person document, I notice that it has been removed. I think that is an important change that should be discussed by this team. I can think of some reasons why it might be really useful to have that priority two for administrative proceedings, such as relating to UDRP and URS. So, not sure that I have a formal opinion there, but I want to say that we should make that decision together. Thank you.

MARC ANDERSON

Thanks, Sarah. And when we get to the next slide, we're going to go over the principles, and I think that will be the time to flag that discussion. I think from a principles perspective, I agree. We should all be on the same page as far as are we going to keep priority two or not. Right? And so, thanks for flagging that, and let's have that discussion today. We should come out of this discussion with a common understanding of whether that's needed or not. Owen, go ahead.

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OWEN SMIGELSKI

Thanks, Marc. Alan, just to respond to your thing. I think when you downgraded from expedited to standard, you had to put something in the box. I guess I could have put a space and just did it. It's my understanding that that went to the requester. I did, however, actually give an explanation that was custom-tailored to each one, something like, "Your complaint was regarding allegations of trademark infringement. That is not an urgent matter, which needs to be something about threat to human life, human trafficking, or other dangerous illegal activity." And sometimes they would just submit abuse complaints through the RDRS to us, and at that point, I'd also say, "Please email our abuse contact." So I was trying to give that feedback to try and help improve it. But the same people would come back with the same thing sometimes. Thanks.

MARC ANDERSON

Thanks, Owen. I'll let Alan respond in a second, but I just want to note I feel like we're getting a little bit into the weeds here, and I want to keep it up a little bit higher at this point. The reason why I asked Lisa to provide an overview of how we implemented priority levels in RDRS had more to do with things like when the priority level was reassigned, the requester was automatically notified by the system. And the number of times that it was reassigned was automatically tracked by the system. That was more the purpose for flagging that for everybody, understanding that there's an

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expectation that the system will handle sort of that notification and tracking process. Alan, go ahead.

ALAN GREENBERG

Thank you. I appreciate that Owen was diligent in documenting it. My point, however, was we should be documenting ahead of time what the standard is so we don't have to downgrade, and so things go through. So simply saying, "Don't specify expedited unless it really is," does not give you any measure of how to judge whether it is or not. So just make sure the instructions give the guidance so we don't have to reject things.

MARC ANDERSON

Thanks, Alan. And we'll start off the conversation with a sort of principle discussion, but then we'll get to the actual policy language, and I think that's where we'll get more to the point you're making. What is the desired outcome of the policy language? In your case, I'd translate that to mean we want clear instructions for the requester when it comes to submitting priority or urgent requests. Right? And so please keep that in mind when we're getting to the actual policy language drafting. But thank you.

All right. Let's go ahead and move to the next slide. And here we have another chart, and this seemed to work out well yesterday. So at the risk of pushing my luck, we're going to try the same thing again today. And I'm going to ask you to bear with me a little bit because we're placing these priority level discussions in between

some other discussions that we've either already had or are going to have to have as part of our deliberations. And so we know that before you get to a priority level, there's the requester authentication piece. And so for the purposes of today, we're going to set that aside and we're going to assume that authentication has been worked out, and this is all happening post-authentication. And we know that we're going to get to a discussion on Recommendation 3, which is required elements. What is required for a request? And obviously that's going to have a component when it comes to whether it's a priority request or not, or an urgent request or not. Right? So, I'm asking you all to take a little bit of a leap with me and imagine that Rec. 1 and Rec. 3, authentication and elements of the request, contents of the request, have already been worked out, and we're moving past that into setting the priority level and what needs to be included in requirements for how to manage priority levels.

And I also want to note on the bottom right box, we've already had discussions about authorization and SLAs, neither of which have been completed. These are both in-progress discussions. But obviously once you select a priority level, it'll directly feed into the SLAs that are applicable. So the priority level, Recommendation 6, priority levels, is a direct input into SLAs. And then once that's occurred, then obviously we go to the data controller authorization step, which will happen after priority levels have been specified. So I'm asking you all to take a little bit of a leap with me and have this conversation in a vacuum, assuming that authentication and

required elements have been worked out, and that we'll deal with SLAs and authorization after this.

With that in mind, the flow here that we want to talk through is that the requester selects a priority level. And here I'll note we have an assumption that we'll just have two priority levels, one for urgent requests and one for standard requests. And I'll sort of flag again for Sarah, this is the time to have the conversation. If we think more priority levels are needed, if we think less priority levels are needed, I'd really like us to leave the room today with a common understanding of that. So let's have that discussion here. After the requester selects a priority level, the contracted party will receive and evaluate that request. And in its review, if the contracted party determines it's been miscategorized, the contracted party can reassign the priority level. And again, I'll do a callback to Steve's intervention earlier. The starting point here for the straw man, we're assuming that the contracted party will have the ability to reassign the priority level based on our learnings from RDRS. But Steve's intervention was that if it was miscategorized, it should be rejected and the requester should have to resubmit it. Both are valid and we should come to a common understanding of that as well. We're assuming that the SSAD will handle the communication and tracking of any recategorizations, and that repeated instances will be flagged and there can be graduated penalties. That comes directly from the RDRS experience, where there really wasn't a way to implement penalties for repeated abusers. And so we have an assumption here that there will be a way to flag and track repeated

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abuse of the priority level designation, and that there can be graduated penalties. Maybe not starting with fully having your account deleted, but maybe a temporary suspension, graduating up to something more extreme. But again, this is just a starting point for discussion, and we want to have agreement on the overall principles of how priority levels will work. And so with that, I'll stop talking and turn the floor over to Alan. Alan, go ahead.

ALAN GREENBERG

Sorry, I have to disconnect my hearing aids before I talk, otherwise it blasts me. Two things. Number one, I don't think that's what Steve said. Yesterday we talked about an ability for the registrar to not reject the request, but get a mechanism to adjust it. We talked about a communication mechanism. I don't see why a disagreement on the priority shouldn't be treated the same way, and not necessarily rejected and requested. So that's number one. Number two, we just talked about flagging abuse of the requester who regularly requests a priority that is not accurate. We similarly need a remediation process for a registrar that recategorizes or rejects requests, if they're abusing it. And we don't have a mechanism, but it's got to be a symmetrical relationship. Thank you.

MARC ANDERSON

Thanks, Alan. Sarah, go ahead.

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SARAH WYLD

Thank you. This is Sarah. I had put my hand up to go back to the priority two, but it feels like we're talking about consequences for improper flagging, so maybe I'll follow that thread for a bit, and we can come back to the priority two, so let's not forget. Thank you. So I feel like in the straw person document, the language around abuse of urgent requests is an implementation note. It should be moved into the policy section, and it could be stronger. So instead of a lowercase may, we should consider an all-caps should. Thank you.

MARC ANDERSON

Thanks, Sarah. I look forward to this discussion when we get to the actual text. It's something that we debated a lot. How to provide direction for compliance without being overly prescriptive, I think, is a challenging line to walk, so I look forward to that discussion. Alan, I think that's an old hand. Yeah. Okay. Owen, go ahead.

OWEN SMIGELSKI

Thanks, Marc. I'd like to respond to Alan's suggestion about needing to have that ability to either bring it back in or appeal or something along those lines. And I put this in chat earlier. If it was a close thing, if some were urgent, some were not urgent, blah, blah, blah, then sure. But there are so many non-urgent requests that are coming in claiming to be expedited. At Namecheap, we've seen one urgent request that would meet the Reg Data Policy in 12 years, and we are the second or third largest registrar by domains under management. So this is not happening that much, these

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urgent requests coming in. So I'd be very cautious about creating an appeal mechanism that would go to the registrar because everybody thinks their request is urgent, even if it's not involving threat to human life or something that Gabe and his team are taking care of at the FBI. So, again, that just creates more noise, and then creates more appeals and creates more work, and then we're not getting to the things that actually matter. And as Becky put in the chat, isn't this something for ICANN Compliance if it's not being categorized or being abused by the registrar or contracted party? I think that's 100% something for remit within contractual compliance. Thanks.

MARC ANDERSON

Thank you. Sarah, go ahead.

SARAH WYLD

This is for the other topic, so I will wait if others have thoughts on the urgent. I'm just real excited about it.

MARC ANDERSON

All right. Anybody want to get in front of Sarah? All right. I think the floor is yours, Sarah.

SARAH WYLD

Okay. All right.

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SAMANTHA DEMETRIOU

You could slow her down.

SARAH WYLD

I have thoughts. Okay, so back to the priority two concept about administrative things. I'm not actually looking for priority for that. So going back to the concept of principles, what I think is useful is some kind of flag or categorization or way to ensure that the request really is related to an ICANN administrative proceeding, and that the data would be disclosed to the correct recipient. And I'm certainly aware of an increasing rate of fake URS and UDRP notices that are being sent to registrars and causing significant difficulty. And so I think we should consider if using the SSAD in some way to help manage that concern could help us. So I'm not looking to be able to jump the queue or have a specific time frame that's different associated with those requests. Just the ability to track it and to know that they're correct would be good. Thank you.

MARC ANDERSON

Thanks, Sarah. Sam, go ahead.

SAMANTHA DEMETRIOU

Thanks, Marc. This is Sam. I concur with what Sarah said. There is a recommendation following this one that talks about requester purpose.

SARAH WYLD

Oh. Yeah.

SAMANTHA DEMETRIOU

It seems to me like this is a great place to discuss this topic, and one of the things this group can discuss is how the purpose gets represented in whatever output goes to the registrar to help them work through those things.

MARC ANDERSON

Thanks, Sam. John, go ahead.

JOHN MCELWAIN

So John McElwaine for the record. I just want to make sure I was hearing this clearly, but that the registrars in general would like to have UDRP requests come in through the SSAD system, and just as long as we maintain the two-day turnaround time on that, which is what's under consensus policy, I don't see a big problem with that. But I want to make sure that that was a proper and better channel to send it. Right now, speaking as a panelist for WIPO decisions, I can just see in those case files, it typically just goes into a general email address, I think, that the registrars have probably provided. And I guess if I'm hearing right, some of those email addresses have leaked out and are being used for abuse. But again, as long as we maintain the two-day turnaround, I think that whatever works best for the community in general is fine. Thanks.

MARC ANDERSON

Thank you, John. Before I go back to the queue, I think it's maybe worth noting why it wasn't implemented, why the UDRP and URS

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proceedings weren't implemented in RDRS. And my understanding, and I may be wrong, but it's my understanding there are existing policy and procedural steps that were in place that did not facilitate sending UDRP and URS requests through the RDRS, and that the URS and UDRP providers were not, and perhaps are not, interested in receiving the requests that way, that they are comfortable with the existing procedures. And so, while I think this is a great conversation to have now, I just want to caution us that this is not necessarily a decision we can make in a vacuum, and that there may be policy constraints that would keep URS and UDRP providers from using an SSAD system. I get Sarah's point that there may be reasons why that might be desirable, at which point I'll maybe ask that might be out of our scope for what we're trying to do right now, solving that particular problem. I understand there's a problem with registrars receiving fake URS or UDRP emails, but solving that particular problem, I think, is outside of our scope. So those are my understandings and my views, which may be completely off base, so I apologize if they are, but I think it's important to have that little bit of level set before we continue this discussion. And John, I'm not sure if that's a new hand or...

JOHN MCELWAINE

Well, no, but I think you made my point, which is that we need to stick to the consensus policy on those requests. Thanks.

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MARC ANDERSON

Thanks, John. Owen, over to you.

OWEN SMIGELSKI

Thanks, Marc. So let me just flag this first as saying this is not a full Registrar Stakeholder Group position. I'm just kind of thinking on the fly here. And as Marc alluded to, there's some things going on with fake UDRP emails, verification requests, and decisions. And so, the preference had been to keep this stuff outside of it, of the RDRS. I'm not sure about the SSAD because there is a process in place. There is a UDRP that specifies how you're supposed to do this. Every registrar has to define an email address, provide an email address to ICANN to be used by providers, et cetera. That said, the system's a little bit broken right now, so if we could kind of maybe put a pause on this because there are some efforts underway, starting this week actually, to make UDRP communications more secure. The URS has its own thing, so I don't think they'll be part of this, but UDRP, we're not sure where that's going to go, but let's figure out what's going to happen in the short and long term first before we really try and bake it into this policy. Thanks.

MARC ANDERSON

Thanks, Owen. I appreciate that. Alan, go ahead.

ALAN GREENBERG

Thank you. I support what Owen said, but just to note, the RDRS was not being implemented as a policy, therefore could not change the rules for UDRP or anything else. So we had no choice at that

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point. The UDRPs were mentioned in the original SSAD thing, as Sarah pointed out, and therefore will be subject to consensus policy, and if we choose to implement that, we can. So that's a decision that we have to make. The fact that RDRS didn't do it was just because it was done under a different set of constraints. The same reason that it couldn't mandate that all registrars use the system. So, we are essentially, by the time this finishes, setting policy, and if it changes some other policy, so be it. That's how consensus policy works.

MARC ANDERSON

Thanks, Alan. Thomas, go ahead.

THOMAS RICKERT

Thank you so much, Marc. Now, you guys need to help me. UDRP is a consensus policy, URS is not, right? That's just a rights protection mechanism, correct? So I think that we should, as a group, sign off on this or a variation thereof. I very much like this flow. Right? But even though you might want to keep things separate, I think you want to keep things separate in terms of a discussion so that we don't mingle with the things that are happening at the UDRP, for example. But can't we put a sentence into our recommendation that we are not opposed to embedding communications structures to support rights protection mechanisms and consensus policies in the SSAD? So we wouldn't need to make a change to this because the timeline would be prescribed by the consensus policy speaking to the UDRP. And we would not have to deal with it at all on

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substance, but we would give the org the flexibility to make this a one-stop shop to communicate regarding those things where contracted parties need to respond. How does that sound? It's great, isn't it? Towards the end of the week, little victory, quick win, low-hanging fruit. I mean.

MARC ANDERSON

Thanks, Thomas. Owen, go ahead.

OWEN SMIGELSKI

Thanks, Marc, and just responding to Thomas, can we hold off on doing UDRP stuff right now? It's really in flux and a really huge concern to registrars. There's a massive security gap right now, and saying, "Oh, we can put it into the SSAD at some point down the future," is not going to make people happy. We may start requiring to log into a UDRP provider's website or something like that, I don't know, just because there are \$100,000 domain names that are being stolen via fake UDRP. So I think if we could not address this now and allow it to be there possibly as a placeholder, but get rid of it later just until we can see what things can be done with the UDRP. It's probably going to be outside of the UDRP, but it'll be something that will not conflict with the UDRP. But again, we're trying to ensure that that process is secure and trustworthy, and protects brand holders, and protects registrants, protects registrars, and not saying, "Wait until you do this," would probably give us a little more flexibility on that. So maybe we'll be here,

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maybe we won't, I don't know. But just let's keep a placeholder for now. Thank you.

MARC ANDERSON

Thanks, Owen. So I'll get back to the queue in a second, but what I'm hearing is that my dream of us all being on the same page on how many priority levels we have as we leave here is maybe not going to happen today. And that's okay.

THOMAS RICKERT

It is. We like this.

SARAH WYLD

Yeah, I think we just have--

THOMAS RICKERT

We like it.

SARAH WYLD

Does anyone object to this?

MARC ANDERSON

All right. Then back to the queue. Alan, go ahead.

ALAN GREENBERG

It all depends whether priority level maps to what the response time has to be. The response time for priority two is 10 days. I don't

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know what it is, doesn't matter, and the response time for UDRP is two days. Calling it priority two, but saying, but the time is different, is just going to add confusion. So all I want is clarity.

MARC ANDERSON

Okay, Thomas, go ahead.

THOMAS RICKERT

So now that we heard that Alan also agrees, sorry. Just joking. No, Owen, to your point, I would not mention UDRP. I would just say that the system or that this group has no issues with onboarding consensus policies and rights protection mechanisms as the org sees fit. And if it turns out that you need to log into a dispute resolution provider's website, and that this complicates things, nobody will get to the idea to embed this in here. But if there's an opportunity to make it easier for you guys specifically, then we should keep that opportunity open without us reconvening to make that possible.

MARC ANDERSON

Sam?

SAMANTHA DEMETRIOU

Yeah, thanks. Just to kind of plus one to what Thomas said, and if we keep UDRP outside of this because UDRP, as its standalone consensus policy, dictates a timeline, we don't have to deal with

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that in here. And to that end, Thomas, do I agree with this, two priorities? Yes, I do. So there's one vote for you, Marc.

MARC ANDERSON

Thomas.

OWEN SMIGELSKI

Excuse me. I will keep my mouth shut. Shh.

MARC ANDERSON

You're welcome to get back in the queue. All right. So thank you, everybody, for that. I think what I'm hearing is there's a desire to proceed with this, with the understanding that there are some additional conversations going on outside of our group on URS and UDRP. So I'll maybe look to members who are involved in that to keep us apprised. Okay. I think we do have another outstanding question on here that I don't know that we've resolved, and that's whether or not we need to specifically call out anything about registrar abuse of recategorization. And I think I heard a couple thoughts on that, but I'm not sure exactly how we want to tie a bow around that. Would just an implementation note that compliance has the obligation to enforce or monitor against abuse from registrars for incorrect recategorization, would something along those lines be acceptable to the group? Sarah, any thoughts?

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SARAH WYLD

Thank you. This is Sarah. I think we have a really good basis of understanding what might happen because we did the RDRS pilot, and in that pilot, as I recall, we saw a rate of improperly categorized requests. I don't recall that we had complaints about registrars improperly recategorizing requests. So I wonder if this is a solution for a problem that has not happened. And in that context, maybe something real lightweight, if anything at all. Thank you.

MARC ANDERSON

Thanks, Sarah. Any other thoughts on that one? Okay, getting some agreement for Sarah. Susan, go ahead.

SUSAN PAYNE

Yeah, sorry about that. I was struggling to find the hand. I don't necessarily think I'm disagreeing with Sarah, but I also don't think that something simple like a little implementation note that just reminds people that there's an ICANN Compliance team, and this is what they do, is making sure people comply. I don't know that I see the harm in that either. If someone has a strong feeling that they were downgraded wrongly, and they can make a complaint to ICANN Compliance, and Compliance will investigate, and they'll say yay or nay, and probably we're hearing nay. But I don't see that that's too much of a stringent burden. Hopefully. If I'm being naive, and it'll be wildly overused, but I'm doubtful that it will be.

MARC ANDERSON

Thanks, Susan. Alan, go ahead.

ALAN GREENBERG

Yeah, I don't think we can use RDRS as the example. There was a small number of registrars. A large number of small registrars were not included in it, and we periodically talk about the good guys and the bad guys. We have to assume there are at least some of the latter, and it might be abused. So, if we're at least reporting on what, for every registrar, what percentage or what number of urgent requests are not urgent, well, whatever the degradation is, then at least we have something to track and look at. And ultimately, yes, compliance could do it, but remember, compliance only deals with one-by-one requests. So, just because someone complains that their request had been downgraded and it shouldn't have been, has no real effect. It's too late. They submit it again, they may get it faster this time, but we're talking about if there is regular abuse by the requester, that we penalize the requester. I'm just looking for something symmetrical, and if compliance can guarantee that happens, fine, but that isn't how compliance normally works.

MARC ANDERSON

Thanks, Alan. Again, I put you on the spot a little bit, and if you're not prepared to answer now, that's fine, but if a note about implementation guidance wouldn't work, what do you think would work? What would be sufficient to address your concern? And again, I'm not asking for crafted language, just sort of on a principle standpoint.

ALAN GREENBERG

You're putting me on the spot, and I don't have words that will address it right now.

MARC ANDERSON

Fair. Maybe ponder that, because if we're going to implement something, we need to get there. Justine, go ahead, please.

JUSTINE CHEW

Thanks, Marc. I agree with Alan, and I was going to say a lightweight policy recommendation. I don't know if that helps. We can wordsmith it. I think that would provide a comfort level for us. Right? We're just saying that implementation guidance may not be strong enough because we know how implementation guidance is treated by ICANN Org in terms of implementation. So, if we just have a lightweight policy recommendation, and we don't necessarily think that it would amount to anything, then why not just have it there for our comfort level? Thanks.

MARC ANDERSON

Okay. Thanks, Justine. Sam, go ahead.

SAMANTHA DEMETRIOU

Thanks, Marc. I had a slightly different take than Justine did on this one, that it could be something that we dispatch in the rationale for the recommendation, where each new recommendation is going to have a rationale section, and when we explain our thinking and

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how we got to the recommendation that we did, we could include that this topic was discussed, and it was concluded that this is a matter that can be dealt with in ICANN's regular compliance processes. So, that's maybe another option to throw out on the table for consideration. I did want to also just address one other point, which is a little outside, but I want to put it on the record. We can come back to it later. I don't think we're going to get very far if we are going to try to throw out or discredit the data that has come from the RDRS. It was a pilot. It has some usable information. I don't think at every time it comes up, we can say, "Well, oh, but it didn't have enough users," or, "There weren't enough requests." We have to treat the data for what it is. I don't want us to constantly be kind of undermining the insights that that offers us. Just a request for the group. Thank you.

MARC ANDERSON

Thanks, Sam. Before we move on, maybe a last question. Would this be a topic that would be useful to invite compliance to come maybe talk to us and answer questions about? I think maybe we have two, how compliance would handle requesters abusing the urgent request, and how compliance would handle reports of abuse of registrars reassigning or incorrectly reassigning urgent requests. All right. Would that be at all useful? And I don't know, I haven't checked with staff, but we could always ask compliance to join us if that would be something that would be useful. I have a thumbs up. Thomas, do you want to jump in?

THOMAS RICKERT

I would be inclined to just leave the language pretty general and leave the operationalization to ICANN Compliance. To be quite honest, I think we're at the risk of over-engineering this, and even if we bring in ICANN Compliance for an hour, that doesn't make us an expert in telling them how they should be doing their job. So, I think we can take that weight probably off our shoulders. If we want to learn more about what they do as an educational exercise, that's okay, but I would just skip that. I think it needs some flexibility. I wrote that in the chat. I think there's a difference if you have an individual coming up with two or three wrongly categorized requests because just they want to get their will, or if, let's say, law enforcement authorities that submit hundreds of requests, getting it wrong 10, 12 times. So, we can't put a number to it and stuff like that. So, let them do their job, let it flow, and let's try not to deal with it. I think we have all the parameters in here, and I wouldn't go into glorious detail.

MARC ANDERSON

Okay. Thanks, Thomas. Owen, go ahead.

OWEN SMIGELSKI

Hi, Marc. This is Owen Smigelski for the transcript. And for those who don't know, before joining Namecheap, I spent seven years at ICANN Contractual Compliance. So, let me flag this as I don't work for Compliance, and I haven't worked there for a long time, but I'm

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very familiar with how they operate and what they do. Back when I was there, we went through the 2013 RAA, and the new gTLD round, and all this other stuff, and people kept saying, "Uh-oh, is Compliance going to be able to staff this?" And yeah, they did. They figured a way out. They had enough people. They brought on people temporarily. Greg actually was a guy who we brought on for a temporary project, and look how that worked out for us. So, these things can and do happen, and I think Maggie used to say, "Hey, you guys come up with the policy recommendations. We'll figure out a way to enforce it." Again, I'm not speaking on behalf of Compliance. That's what's happened in the past. I don't think there's going to be that many mischaracterizations of urgent requests because there aren't that many urgent requests, but that's just my personal opinion. But if we create requirements, obligations, Compliance will enforce them. I have no doubt in my mind of that. And we can have them come here and tell us what their job is like, but I think they might say something similar. Their concern might be is, "Gee, we're not sure what you mean by this," or, "What's the interpretation of that?" But not, "Do we have enough bodies to throw at this?" ICANN will always figure a way to do that. Thanks.

MARC ANDERSON

Thanks, Owen. Anne, go ahead.

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ANNE AIKMAN-SCALESE

Hi, it's Anne, NomCom non-voting counselor. I want to speak to what Thomas said about couldn't we just have some general language, because what I noticed is that, for example, Sarah said the issue of requester abuse shouldn't be implementation guidance. It should be policy, and it should include capital letters of the word "should." And then we had some folks saying that the question of registrar abuse from downgrading should possibly be implementation guidance, general language. And then we had Justine saying, "Well, no, I think that should be policy about when there is registrar abuse of downgrading." And so what I'm perceiving is that we don't have agreement in the room on general language. And so how this should be discussed further, worked out, may be on the list, or I don't know where you want to go, Marc, but there isn't agreement on general language.

MARC ANDERSON

Thanks, Anne. Alan, go ahead.

ALAN GREENBERG

Okay. I think we're talking a little bit across purposes. If there is only urgent and standard, then the experience from RDRS does not apply because there it was expedited and standard or whatever it was called, and urgent requests did not go through that. So if the only priority one is urgent, the threatening of life, then I'm presuming that they will not be downgraded falsely, or if they are, then something will hit the fan, and hopefully we will get some action on compliance. I guess the question is, and it probably is a

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question for compliance, if a registrar routinely downgrades, routinely assuming they come in often enough, and falsely, then what is the penalty for this happening regularly? But given that we're only talking about urgent and standard, it's probably an irrelevant discussion, to be honest, because we're using the example from RDRS, which was not urgent versus something else. So we're mixing apples and oranges.

MARC ANDERSON

Thanks, Alan. Do a quick time check here. It looks like we have 15 minutes left in the session. I don't want to cut short this discussion, and I'm not going to cut short this discussion, but I do also want to get to the text a little bit. Obviously, at this point, we won't have time to get through all of it, but we can at least tee up that conversation. So let's get through the queue here, and then we'll move to the text itself. Justine, you're up.

JUSTINE CHEW

Thanks, Marc. So, as I said before, I just think that we need to have a policy recommendation because compliance isn't necessarily going to do anything without a policy recommendation. That is the thing that obliges them to do something, right? So in the same way, I don't think just adding something in the rationale would work. In fact, I think implementation guidance is stronger than rationale. So all I'm asking for is a simple thing. Just say we can leave the specifics to ICANN Compliance to deal with, but it's just an

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instruction for ICANN Compliance to note these things, and if there is abuse, then please take action. That's all. Thank you.

MARC ANDERSON

Thanks, Justine. Wes, the floor is yours.

WES HARDAKER

Thanks. So just some thoughts on the type of information this group needs to make decisions, right? Bringing in information that is available is, of course, critical. And so you have sort of two things that you were just talking about, right? One is RDRS. There were a lot of lessons learned from RDRS, but at the same time, you have issues with some information that you cannot extrapolate potential conclusions from because RDRS wasn't like that. Or RDRS, I'm a scientist, so the data sample size for some things is very low. And obviously you'll have to use your best judgment to come up with policy. For Compliance, I am not a compliance expert. Actually, that's not a part of ICANN that I've ever had to deal with, but it seems to me that they should be able to help guide what are the implementation costs of if you end up with policy that is difficult to check or things like that. Bringing them in at some point seems like that would be valuable information that may help speed conclusions or at least bring about the ramifications of potential considerations that you're undergoing. The reality is you'll need to extrapolate the best you can given the information you have, and sometimes you can make solid extrapolations based on RDRS data or something like that, and other times it's going to require a lot

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more leap-of-faith conclusions toward what you believe is correct. But do reach out when you think more information would help you make more informed decisions.

MARC ANDERSON

Sounds good. Thank you, Wes. With that, we've reached the end of this particular queue. I would like to go ahead and introduce the new streamlined straw person text. We can start reactions to that. Like I said, we have less than 15 minutes at this point, so we won't have time for a substantive discussion. But we will make it available and try and facilitate discussions off-list as much as possible.

All right. Thank you, Andrew. So again, this is streamlined from what was in the initial straw man that we presented to the group, and we have initial recommendation for two different priority levels, one for regular requests and one for urgent requests, or I guess, standard requests. And the first thing I want to note is 6.1.1, priority one urgent requests. The definition that is provided here matches the definition from the Registration Data Policy. So this is taken directly. And then the bit following it, for the avoidance of doubt, priority one is not limited to requests from law enforcement agencies. That's from the original SSAD language, but is also true for Registration Data Policy urgent requests. And then we have standard requests. And then we get into sort of the meat of the discussion we just had. The contracted party may recategorize if necessary. The SSAD must support urgent request disclosures with the following requirements. And here we're getting into sort of a

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little bit of the technical implications of why it was not implemented in RDRS, such as the ability to have confidential and secure transmission of data between the contracted party and the requester.

And then I have a question for everybody. 6.5, the EPDP team recommends that contracted parties must publish their standard business hours, business days, and accompanying time zones. This is probably not applicable anymore, and is a legacy of how the original SSAD was structured. And so I think this is probably a recommendation that can be removed, but we left it in there at least until we had a chance to discuss that. Then in implementation guidance, I won't read all the text, but if you could scroll down a little bit, Andrew. We have text in there noting that SLAs are associated with Recommendation 10. So as previously discussed and in the flowchart, we assume that SLAs will be fleshed out in Recommendation 10 and are not in scope of this particular discussion. We have a note about abusive priority levels. The expectation is that the SSAD will track recategorizations, but this is fairly generic language. I think Thomas was getting to this point. It's difficult to get prescriptive when it might not be clear if the abuse is an education issue or the incorrect categorization is abusive or an education issue. And so the proposed language there is fairly generic with the assumption that Compliance will be able to sort that out. And there's a couple other pieces in there. Again, I won't read them all to you. I assume that you'll be able to read that and react on your own. But again, in the interest of time, I'm maybe

skipping over this quickly. I want to give everybody a chance to sort of view it and react here in real time. As always, this is not your only chance to discuss this. We'll be making it available in a Google Doc so everybody can give it a thorough read, have ability to comment, propose edits and changes, and we'll have a more substantive discussion at a future meeting. But with that said, in the next five or so minutes, if anybody has any initial reactions they'd like to share with the group, please go ahead and jump in. So Alan, first to queue.

ALAN GREENBERG

Yeah, thank you. If you can scroll back to the text you highlighted, I think it was 6.5, the part about business days. Somewhere.

MARC ANDERSON

6.5.

ALAN GREENBERG

Yeah, the 6.5. My recollection is that was there if there were going to be standards that were quoted in business days. If we end up quoting everything in calendar days, it's not relevant. If you're quoting in business days, you have to give some measure of what a business day is to that particular organization and when their business days are. So I think that was the linkage. And so depending on what we end up with SLAs, that may or may not be relevant.

MARC ANDERSON

Thanks, Alan. Sarah, go ahead.

SARAH WYLD

Thank you. This is Sarah. Regardless of whether we keep it or not, it feels like that belongs in the SLAs recommendation instead of the priorities recommendation.

MARC ANDERSON

Thanks, Sarah. Gaurav?

GAURAV VEDI

Hi, this is Gaurav, GNSO NomCom. It's my understanding based on the discussion so far, so we are proposing two different categories or priorities, priority one for urgent requests, priority two for a standard request. But when I read the text in 6.2 section, can you scroll up, please? Aren't we implicitly introducing another subcategory or a middle layer of prioritization when I look at consumer protection? And that's within the standard request, and maybe it's lack of my understanding, but if somebody can just shed more light, that would be helpful.

MARC ANDERSON

I'll start, and Caitlin can correct me if I get it wrong, but this is actually an artifact of the SSAD recommendations, where indeed a requester could flag a standard request as one that they would like to have prioritized. So this is a legacy of the original SSAD

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recommendations. And it's a should, it's not a must. But it gives the requester an ability to flag something that doesn't meet the urgent bar, but they still ask to have treated in a more expedited manner. But good quick eyes there. David, go ahead.

DAVID BEDARD

Thank you. David Bedard, GAC Canada, for the record. I just had a question about the footnote. And I'm wondering if the footnote sort of carries the same weight in terms of implementation as what would be in the actual text. Just a question there.

MARC ANDERSON

So I think the answer to the question is no. The quick answer.

DAVID BEDARD

Okay.

MARC ANDERSON

Obviously it's in the policy.

DAVID BEDARD

Sure.

MARC ANDERSON

But I would say it's more explanatory than--

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DAVID BEDARD

The actual process.

MARC ANDERSON

--in a footnote to separate it out from the actual policy language. So I think the quick answer to your question is no, it does not.

DAVID BEDARD

That's helpful. I just want to put it to the group that I know that we have outlined the four instances of urgent requests, and what would be counted as urgent requests. But I'm wondering if the mechanisms of that isn't really spelled out in the policy, and I'm wondering if there may be value in specifying that the requester would choose one of the following sort of as a subcategory of the urgent request.

MARC ANDERSON

I think, correct me if I'm wrong here, we'll get to that in Rec. 3. So I think, and I reserve the right to be wrong here, but I think that's a component of our Rec. 3 discussion.

DAVID BEDARD

Great. I appreciate that. And the only other, the last thing I'll say is that it might be valuable to have some sort of language that an attestation by an authenticated law enforcement should be enough to accept the urgent request.

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MARC ANDERSON

Farzaneh, over to you, and I'll make this last word, please. We're almost at the end of the hour, and I'd like a few administrative housekeeping items before we adjourn. So last word, Farzaneh.

FARZANEH BADIEI

Yeah, I didn't say a single thing. So, no, we do not agree with that. Authentication should not lead to automatic disclosure, and we can discuss it further. And also, I keep saying this, for critical infrastructure, the definition, we are not planning to change the definition, but we would like to provide clarity, a further clarification for the registrar to understand what critical infrastructure is, because it has been abused before, that governments have requested access, and they claim that this is a critical infrastructure while it wasn't, and they have oppressed people and stopped protests from happening. So we would like to make a few clarifications on 6.6. Thank you.

DAVID BEDARD

Thank you for that. And I just want to clarify, I don't mean automatic disclosure, I just mean accept the request to evaluate the request.

FARZANEH BADIEI

Understood.

DAVID BEDARD

Right. Okay. Thank you.

MARC ANDERSON

Thank you. And I promise we'll have an opportunity to get back to this. So this is not the final word on any of these topics. With that, I do want to get to a couple sort of housekeeping items before we adjourn. And also want to give a big thank you to everybody. Happy to see full rooms. We've had great participation from a very large group of SSAD representatives, great participation in a Day Zero event, helped along by our facilitator. And this is, I think, a great way for us to start off our journey in developing supplemental recommendations. Very lucky from a timing perspective to have had this ICANN meeting at the start, so we have a chance to meet, flesh out some of these high-impact items, get everybody in the same room, and get us to dialogue together. So from my perspective, a big thank you to all of you. You clearly came prepared and willing to dialogue and discuss these tough topics, and that's made my job a lot easier. So thank you. Maybe a quick round of applause for all of us.

A couple other items. I've alluded to this before, but from a sort of next steps perspective, we'll be getting revised versions of these recommendations into the straw man and out to the entire group for everybody to fully read and digest the language and propose edits. To the extent you can, please provide proposed edits to the text. That's very helpful to staff in turning new versions of the straw man. So keep in mind, what is the policy language we're looking to achieve? And then maybe a last thing, looking ahead to our meeting schedule moving forward, what I'd really like to do is push

through an initial read-through of all the remaining recommendations. We've gotten through a good number so far, but because of the very interrelated nature of all these recommendations, we're going to try and push through the initial read. We'll cover as many as hopefully three per meeting until we get all the way through them. And then we'll get language into the Google Doc so people can analyze it, absorb it, propose edits, and then we'll have more substantive discussion where it's necessary. So look for that in our upcoming meeting schedule. I see a couple last hands. We are over time, so maybe real quick, Susan?

SUSAN PAYNE

So super quick. When we get this new language, is it possible, or is it the intent still to provide it in two parts? So, the old recommendation and the new, because it is really helpful to be able to see what we're changing. Thank you.

MARC ANDERSON

Yes, indeed. It'll go in the same straw document. It'll go there, so you'll be able to see both side by side. David?

DAVID BEDARD

Sorry, I'll be really quick. This is just to thank our chair for taking us through a very busy week and a Zero Day. So thank you very much.

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MARC ANDERSON

Thank you, David. I appreciate that. And I would probably be hiding under the table at this point if it wasn't for the wonderful support from staff. So, thank you.

UNKNOWN

We'll let you sleep on the way home.

MARC ANDERSON

All right. And with that, I think we can adjourn. Happy ICANN 86, everyone, and safe travels home.

**[END OF TRANSCRIPTION]**