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Governmental Advisory Committee

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GAC Comment on Competition, Consumer Trust, and Consumer Choice Review Team – New Sections to Draft Report of Recommendations

The GAC welcomes the additions made by the Competition, Consumer Trust and Consumer Choice (CCT) Review Team (CCTRT). It is clear from their report and the study conducted, that DNS abuse is not random, the current safeguards are not sufficient and more needs to be done to proactively combat DNS abuse. The data set sources used both in this study and in DAARS (and as mentioned in the cross community session on DNS Abuse at ICANN 60) are legitimate and viable data sets. Specifically, the GAC is encouraged by the recommendations found in section 5.1 – DNS Abuse, within the Safeguards section.

Recommendation A:

The GAC supports the use of incentives to encourage proactive DNS abuse mitigation measures. Financial incentives and ICANN fee discounts should be directly tied to measurable and known actions that reduce and prevent abuse. The action items addressed in the rationale for Recommendation A – “identifying repeat offenders, monitoring suspicious registrations, and actively detecting abuse instead of merely waiting for complaints to be filed” – should be a minimum standard for inclusion into new contractual language if a price incentive is offered. Sensitive strings, public interest commitments and highly regulated spaces where domain registrations intersect with real life consequences demand proactive and potentially higher standards for ensuring safe practices online. Certain contracted parties are already engaging in proactive measures to combat abuse and we support methods such as this CCT Recommendation to reinforce and encourage such actions.

Recommendation B:

The lack of a mechanism to prevent, deter and stop actors that are consistently seen to have abnormally high rates of abuse is a failure by ICANN and needs to be addressed. The GAC endorses this recommendation and thinks action to stop these actors ultimately should lie with ICANN Contractual Compliance. The term systemic use in this recommendation does deserve further definition to include thresholds and statistical requirements, as will be mentioned in recommendation D below.

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Recommendation C:

The use and availability of data to measure DNS abuse and inform ICANN policy and decision making is in line with prior GAC efforts, and the GAC supports the recommendation. Beyond consistent publication of the data, the GAC supports the creation of a clearly defined and time-bound process for both ICANN and the relevant registry or registrar take action based on data. Thresholds should be established to, at a minimum, flesh out egregious bad actors and have action taken on them based on reliable data sources.

Recommendation D:

The GAC supports the creation of a Domain Abuse Dispute Resolution Policy (DADRP) as a means to enforce action against bad actors, have a reasonable response/appeal mechanism and ultimately create greater public accountability of both the actor in question and ICANN org. The GAC and its Public Safety Working Group (PSWG) are available to work with the CCTRT, as well as other relevant individuals and groups including the Office of the Chief Technology Officer (OCTO) and the Security and Stability Advisory Committee (SSAC) to define and establish thresholds for a registry or registrar to qualify for DADRP. A simple percent requirement is likely not sufficient, nor accurate enough for such action. Other considerations could include the total number of abuse incidents (in addition to percent), the numbers relative to other actors, the time period that DNS abuse is measured, and attempts to remedy the issues. Clearly, there are a number of factors to consider but the GAC welcomes the start of the process to establish the DADRP. It is important that the DADRP, should it be created, not be a last resort or measure that prevents proactive action by contract compliance. These processes should work in tandem, according to a well-specified assignment of responsibilities, to better allow ICANN to respond appropriately to bad actors.

The GAC believes Registries do have an important role to play in combatting DNS Abuse and any indicators that Registries and existing safeguards are not doing enough to address DNS abuse should not be rationale for a reduced role for registries, but instead a call for more data and safeguards to be explored. The GAC encourages Registries to engage with and play an active role in addressing DNS abuse.

The GAC also supports the proposed Recommendation in Section 6.2 “Individual Statement” related to ICANN’s collection of chain of custody information of parties responsible for gTLD domain name registrations. This recommendation clearly demonstrates a need for this information in order to identify resellers affiliated with contracted parties in lieu of mandates for displaying exhaustive reseller information in WHOIS. ICANN would be an appropriate aggregator of this information to ensure the continued stability and security of the DNS. In moving towards ICANN’s goal of being an open, data driven decision making body, having the chain of custody information for domain name registrations would go a long way in supporting multiple communities address technical DNS abuse and make informed and data based decisions and policies.