ICANN Org Inputs – Competition, Consumer Trust and Consumer Choice Review Team (CCTRT) Draft Report

15 January 2018

This document is a supplement to the document provided in May 2017 in response to the previous CCTRT request for ICANN org's input on the implications for implementation of the current draft recommendations. ICANN org appreciates the opportunity to provide input to the CCTRT draft report. We are providing these inputs to the CCTRT, with a copy to the public comment forum for the wider community, to support the CCTRT's further deliberations. As previously, this input is not intended to discuss the merits of the recommendations, but rather provides information on how ICANN org might implement the recommendations if approved by the ICANN Board.

On 27 November 2017, the CCTRT posted new sections of its report for public comment. This document provides input on the implications for implementation of the new recommendations.

Where applicable, ICANN org provides costs for implementation as well as ongoing costs to deliver the recommendations. Any cost information provided is based on high-level estimates of possible costs from an external vendor, excluding any associated overheads. These estimates are not based on evaluation of efforts estimated on a unit basis (per hour, per day,...), or from consultation with possible vendors (request for information / quote / proposal). The resource information is an estimate of possible direct resource requirement, provided as fractions of "full time equivalent" headcount (FTE), without financial impact, on an incremental basis. This estimate does not include resource requirements from various ICANN org departments also needed to support the activities.

Recommendation A:
Consider directing ICANN org, in its discussions with registries, to negotiate amendments to existing Registry Agreements, or in negotiations of new Registry Agreements associated with subsequent rounds of new gTLDs to include provisions in the agreements providing incentives, including financial incentives for registries, especially open registries, to adopt proactive anti-abuse measures.

Recommendation B:
Consider directing ICANN org, in its discussions with registrars and registries to negotiate amendments to the Registrar Accreditation Agreement and Registry Agreements, to include provisions aimed at preventing systemic use of specific registrars for technical DNS abuse.

Recommendations A and B provide for ICANN org to negotiate amendments to its agreements with contracted parties. As noted previously, amending the Registrar Accreditation Agreement and Registry agreements to incorporate these requirements is not an action that ICANN org can take unilaterally. It is understood that these recommendations seek to encourage negotiation of provisions regarding abuse, and that

the outcome of the negotiations may not allow for full implementation of all outcomes desired based on the recommendations.

Recommendation C:
Further study the relationship between specific registry operators, registrars and DNS abuse by commissioning ongoing data collection, including but not limited to, ICANN Domain Abuse Activity Reporting (DAAR) initiatives. This information should be regularly published for transparency purposes in order to identify registries and registrars that need to come under greater scrutiny and higher priority by ICANN Compliance. Upon identifying abuse phenomena, ICANN should put in place an action plan to respond to such studies, remediate problems identified, and define future ongoing data collection.

This recommendation focuses on data collection and analysis, along with a provision for ICANN org to develop an action plan for response to data generated relating to specific registry operators and registrars. As noted in the recommendation, the Domain Abuse Activity Reporting (DAAR) initiative is currently an active effort, designed to provide the ICANN community with a reliable, persistent, and reproducible set of data for security threat and abuse analysis.

Currently, only ICANN org and contracted developers can access DAAR directly through its administrative interface, while the org is working with the ICANN community to determine the best way to share the statistics and analyses derived from data that DAAR collects. Consideration of options for regular publication and transparency and any guidelines needed for the data could be part of this dialogue.

The recommendation may entail additional cost if specialized expertise is needed for further study of the data, and if additional data sources are subscribed to.

ICANN org notes that it would expect to work with stakeholder groups, including registry operators and registrars, to develop an action plan for responding to issues identified in the data. The action plan itself might take several forms, depending on the community discussions, but would be expected to include data validation, review, decision, and escalation processes.

Implementation, cost, resource, and timing estimate: Implementation of this recommendation would entail 1) continuing and possibly broadening the data collection efforts of DAAR, 2) executing certain studies on the data set, including information relating to specific registries and registrars, and 3) ICANN Compliance resources.

Based on the DNS Abuse study, the cost of a specialized study on this data is estimated at USD 100,000 per iteration; however, this could decrease or increase depending on the study requirements. Resource requirement is estimated at 0.25 FTE to support. Estimated timeline for the study, including contracting with a vendor through report generation is 9

months. The resources required to develop an action plan would vary depending on the program(s) initiated.

ICANN Compliance cost will entail cost of audits of contracted parties in scope, in terms of ICANN org efforts, vendor efforts and other components like an onsite audit if needed. The nature of DNS abuse would be a driving factor in auditee selection and audit program.

Ongoing cost and resource estimate: 100,000 USD for DNS Abuse Study and 0.25 FTE per year to support it once the processes are in place. Compliance's estimates for audit will depend on the population of registrars and registries identified in the DNS abuse report, the audit approach and the frequency of audits. To start, ICANN Compliance will shift some resources and priorities in audit approach to support this initiative and later assess for on-going support and cost.

Recommendation D:
A DNS Abuse Dispute Resolution Policy ("DADRP") should be considered by the community to deal with registry operators and registrars that are identified as having excessive levels of abuse (to define, e.g. over 10% of their domain names are blacklisted domain names). Such registry operators or registrars should in the first instance be required to a) explain to ICANN Compliance why this is, b) commit to clean up that abuse within a certain time period, and / or adopt stricter registration policies within a certain time period. Should ICANN not take any action themselves, a DADRP can be invoked.

This recommendation provides for various groups to consider whether a DADRP would be a helpful tool for addressing abuse. No additional cost or implementation impact is foreseen for ICANN org to support these discussions. Should these community discussions lead to development and implementation of a new dispute resolution policy and associated procedures, there could be significant additional cost depending on the types of review desired, the expertise needed to administer the procedure, and other factors, as well as potential resource impacts including new Compliance procedures.