

Motion to Address the Remaining Registration Abuse Policies Working Group Recommendations

Whereas the Registration Abuse Policies (RAP) Working Group submitted its report to the GNSO Council on 29 May 2010 (see <http://gnso.icann.org/issues/rap/rap-wg-final-report-29may10-en.pdf>);

Whereas the GNSO Council reviewed the report and its recommendations and decided to form an implementation drafting team to draft a proposed approach with regard to the recommendations contained in the Registration Abuse Policies Working Group Final Report;

Whereas the Registration Abuse Policies Implementation Drafting Team submitted its proposed response to the GNSO Council on 15 November 2010 (see <http://gnso.icann.org/correspondence/rap-idt-to-gnso-council-15nov10-en.pdf>);

Whereas the GNSO Council considered the proposed approach at its Working Session at the ICANN meeting in Cartagena;

Whereas the GNSO Council acted on a number of RAP recommendations at its meeting on 3 February 2011 (see <http://gnso.icann.org/resolutions/#201102>);

Whereas the GNSO Council requested feedback from ICANN Compliance in relation to WHOIS Access recommendation #2 and Fake Renewal Notices recommendation #1 and a response was received on 23 February 2011 (<http://gnso.icann.org/mailing-lists/archives/council/msg10766.html>). In addition, a discussion with Compliance Staff was held at the ICANN meeting in San Francisco.

Whereas the GNSO Council considered the remaining RAP recommendations in further detail during its working session at the ICANN meeting in Singapore based on an overview prepared by ICANN Staff (see <http://gnso.icann.org/correspondence/overview-rapwg-recommendations-18may11-en.pdf>).

NOW THEREFORE BE IT:

RESOLVED, the GNSO Council thanks the ICANN Compliance Department for its feedback in relation to WHOIS Access recommendation #2 and determines that no further work on this recommendation is needed. The GNSO Council welcomes the commitment of the ICANN Compliance Department 'to report on compliance activities and publish data about WHOIS accessibility, on at least an annual basis' (see <http://gnso.icann.org/mailing-lists/archives/council/msg10766.html>).

RESOLVED, the GNSO Council thanks the ICANN Compliance Department for its feedback in relation to Fake Renewal Notices recommendation #1 and determines that no further work on this recommendation is needed.

RESOLVED, the GNSO Council determines that additional information is needed from the Registrar Stakeholder Group with regard to the conditional Fake Renewal Notices

recommendation #2 before an Issue Report should be requested of Staff. The GNSO Council hereby requests that the Registrar Stakeholder Group provide further information and data on the nature and scope of the issue of Fake Renewal Notices to help inform the GNSO Council's and its RAP WG deliberations on whether an Issue Report should be requested. A small group of volunteers consisting of registrar representatives and others interested (including former RAP WG members) should be formed to prepare such a request, work with the Registrar Stakeholder Group to obtain the information requested and report back to the GNSO Council accordingly.

RESOLVED, in response to WHOIS Access recommendation #1, the GNSO Council requests the WHOIS Survey Drafting Team to consider including the issue of WHOIS Access as part of the survey it has been tasked to develop. If the WHOIS Survey Drafting Team is of the view that it is not appropriate or timely to include WHOIS Access as part of the survey, it should inform the GNSO Council accordingly so that the GNSO Council can determine what next steps, if any, might be appropriate at this stage in relation to this recommendation,

RESOLVED, with regard to the recommendation on Meta Issue: Collection and Dissemination of Best Practices, the GNSO Council acknowledges receipt of this recommendation and determines to defer its consideration until it evaluates the outcome of Malicious Use of Domain Names recommendation #1, which aims to develop best practices to help registrars and registries address the illicit use of domain names. In light of the pending request to Staff to develop a Discussion Paper on the Malicious Use of Domain Names, the GNSO Council believes that the upcoming review and analysis of this Discussion Paper may serve to inform the Council of the issues related to the Meta Issue: Collection and Dissemination of Best Practices recommendation.

RESOLVED, in regard to the recommendations on cross-TLD Registration Scam and Domain Kiting/Tasting, the GNSO Council Chair shall communicate to the Security and Stability Advisory Committee (SSAC) the findings of the RAP WG in this regard and request that the SSAC consider evaluating and/or monitoring these abuses. If the SSAC elects to conduct this work, the GNSO Council requests that the SSAC inform the GNSO Council if it believes that further policy work by the GNSO Council should be undertaken to address these two types of abuse. In addition, the GNSO Council suggests that the issue of cross-TLD registration scam be included in the agenda of its next meeting with the ccNSO Council since this type of abuse may also affect ccTLDs.

RESOLVED, in response to the recommendation on Meta Issue: Uniformity of Reporting, the GNSO Council acknowledges receipt of this recommendation, and hereby requests the ICANN Compliance Department to report on existing systems to report and track violations and/or complaints; improvements / changes made since the RAPWG Report or foreseen in the near future, and; identify gaps and any improvements that might be desirable but not foreseen at this stage. Further consideration of this Meta Issue, including the recommendations and considerations of the RAP WG in this regard, is deferred pending receipt of such information from the ICANN Compliance Department.

RESOLVED, in response to the recommendation on Uniformity of Contracts, the GNSO Council requests an Issue Report to evaluate whether a minimum baseline of registration abuse provisions should be created for all in scope ICANN agreements, and if created, how such language would be structured to address the most common forms of registration abuse.

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RESOLVED, in response to the recommendations on Gripe Sites, Deceptive and/or Offensive Domain Names recommendation #2, and; Cybersquatting recommendation #2, since the RAPWG did not achieve consensus on these recommendations, the GNSO Council defers undertaking further policy work on these recommendations at this time.

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RESOLVED, in response to Gripe Sites; Deceptive and/or Offensive Domain Names recommendation #1, the GNSO Council acknowledges receipt of this recommendation, and agrees with the RAPWG that no further action is called for at this time. _