

08 April 2021

Dear ICANN Board,

**Statement of the Generic Names Supporting Organization Council on
Second Security, Stability, and Resiliency (SSR2) Review Team Final Report**

The Generic Names Supporting Organization (GNSO) Council welcomes the opportunity to provide input on Second Security, Stability, and Resiliency (SSR2) Review Team Final Report. While this statement is made on behalf of the GNSO Council, our comments are intended to complement, and not replace, any input that may be provided by individual GNSO Stakeholder Groups and Constituencies. Based on preliminary and diverse reactions across the different stakeholders in the GNSO and the differing opinions in relation to the topic of DNS Abuse, the GNSO Council's comments will refrain from signaling support or non-support for any of the SSR2 recommendations. The comments contained here are only based on the GNSO Council's remit as managers of the GNSO's Policy Development Process.

Each section below will quote the SSR2's recommendations followed by the GNSO Council comment:

Recommendation 9.2 - Priority: High - ICANN org should proactively monitor and enforce registry and registrar contractual obligations to improve the accuracy of registration data. This monitoring and enforcement should include the validation of address fields and conducting periodic audits of the accuracy of registration data. ICANN org should focus their enforcement efforts on those registrars and registries that have been the subject of over 50 complaints or reports per year regarding their inclusion of inaccurate data to ICANN org.

GNSO Council comment on 9.2: As part of the continued EPDP policy deliberations regarding Registration Data, the GNSO Council has already anticipated, via its program management tools, additional work regarding the topic of accuracy. The GNSO Council just received a [briefing document](#) from ICANN Org, which will inform a scoping team for this policy topic and determine the appropriate next steps to ensure that any future work is properly scoped and cognizant of competing demands of other policy work and related activities.

Recommendation 10.1 - Priority: High - ICANN org should post a web page that includes their working definition of DNS abuse, i.e., what it uses for projects, documents, and contracts. The definition should explicitly note what types of security threats ICANN org currently considers within its remit to address through contractual and compliance mechanisms, as well as those [that] ICANN org understands to be outside its remit. If ICANN org uses other similar terminology—e.g., security threat, malicious conduct—ICANN org should include both its working definition of those terms and precisely how ICANN org is distinguishing those terms from DNS abuse. This page should include links to excerpts of all current abuse-related obligations in contracts with contracted parties, including any procedures and protocols for responding to abuse. ICANN org should update this page annually, date the latest version, and link to older versions with associated dates of publication.

Recommendation 10.2 - Priority: High - Establish a staff-supported, cross-community working group (CCWG) to establish a process for evolving the definitions of prohibited DNS abuse, at least once every two years, on a predictable schedule (e.g., every other January), that will not take more than 30 business days to complete. This group should involve stakeholders from consumer protection, operational cybersecurity, academic or independent cybersecurity research, law enforcement, and e-commerce.

GNSO Council comment on 10.1, 10.2: As briefly mentioned in the SSR2 Final Report, definitions of “DNS Abuse” vs. “Use Abuse” were created as part of a non-PDP, [Registration Abuse Policies Working Group](#) (RAPWG). This work has been referenced in several places outside of SSR2, but we think that many overlook that the development of those definitions was formed by a broad representation of stakeholders at the time. While the RAPWG was a non-PDP, the delineation of Registration vs. Use Abuse and the corresponding definitions still appear to be applicable today. The ICANN Board and broader community may also want to make reference to additional work as a result of the RAPWG:

- Staff best practices [discussion paper](#)
- Uniformity of Contracts to Address Registration Abuse [Final Issue Report](#) (not sufficient support to initiate a PDP at the time)

Without expressing an opinion on the formation of a CCWG, the GNSO Council asks the ICANN Board to consider present and near-term demands of other policy work on the ICANN Org, staff, and larger ICANN community.

Without a common and agreed upon definition, any additional policy work on a topic as broad as "DNS abuse" would therefore appear extremely challenging and limiting the remit of any such policy related work both in scope and timeline would be a prerequisite.

Recommendation 14.1 - Priority: High - ICANN org should create a Temporary Specification that requires all contracted parties to keep the percentage of domains identified by the revised DNS Abuse Reporting (see SSR2 Recommendation 13.1) activity as abusive below a reasonable and published threshold.

Recommendation 15.1 - Priority: High - After creating the Temporary Specification (see SSR2 Recommendation 14: Create a Temporary Specification for Evidence-based Security Improvements), ICANN org should establish a staff-supported Expedited Policy Development Process (EPDP) to create an anti-abuse policy. The EPDP volunteers should represent the ICANN community, using the numbers and distribution from the Temporary Specification for gTLD Registration Data EPDP team charter as a template.

GNSO Council comment on 14.1, 15.1: The GNSO Council does not consider itself the appropriate body to opine on creation of a Temporary Specification, as the determination of whether the criteria for such a measure has been met is solely the responsibility of the ICANN Board. However, the follow-on required formation of an EPDP does directly impact the GNSO, and one that is a decision made by only the GNSO Council.

The GNSO Council asks the ICANN Board to consider present and near-term demands of other policy work on the ICANN Org, staff, and larger ICANN community.

Further, the GNSO Council takes note of in-flight activities around the topic of DNS Abuse. The GNSO Council requests that if activities continue forward regarding this topic, that future work be positioned in a planned manner versus the reactive, unplanned activities the GNSO are experiencing today.

Lastly, the GNSO Council is confused by the SSR2’s recommendation; specifically, the GNSO Council is concerned with the rationale communicated for recommendation 15.1, namely, “[e]specially in the wake of the EPDP being unable to resolve access to registration data, the tremendous conflicts of interest that weigh down the PDP process, and the slow progress in addressing DNS anti-abuse, the review team believes that an EPDP process concerned with abuse will not bring about an effective solution on its own. The EPDP on access to registration data took years to complete, and the final product garnered dissent

from a majority of the ICANN community[.]”. We find this statement particularly concerning, when, broadly speaking, many stakeholders in the community consider the representative model effective in producing recommendations ultimately adopted by the required GNSO Supermajority and delivering these recommendations in a timely manner that has eclipsed the time duration of all prior policy development activities.

With regard to the conflicts of interest issue, it is worth noting that the ICANN’s multistakeholder model is designed in a way that community members participate in policy development efforts because of their diverse interests. Currently, there are no GNSO rules that restrict participation based on those interests, but participants are required to be transparent in disclosing their affiliations and interests in their Statement of Interest.

The GNSO Council thanks the ICANN Board for the opportunity to comment on this matter.

Yours sincerely,

Philippe Fouquart
GNSO Council Chair