

19 May 2017

GAC Comments to CCT-RT Draft Report

The ICANN Governmental Advisory Committee (GAC), which represents governments and governmental organizations, respectfully submits the following comments on the Recommendations of the Competition, Consumer Trust and Consumer Choice Review Team (CCT-RT) contained in its Draft Report.

The GAC thanks the CCT-RT for its thoughtful and extensive set of recommendations, and notes that the CCT-RT focused its evaluation on an impressive number of important topics. The GAC now submits its comments on the Recommendations relating to safeguards and Public Interest Commitments (PICs); the participation in the new gTLD Program of stakeholder communities in developing countries; and community-based applications. Recognizing the importance of this work effort and resultant draft report, the GAC encouraged all individual GAC members to review the CCT-RT draft report and comment on the entirety of the issues and recommendations as they deem necessary.

GAC Comments on Safeguards and PICs-related Recommendations

As noted in the Draft Report, the GAC submitted proposals in its advice to the ICANN Board for the development and adoption of many of the safeguards included in the new gTLD Program and Registry/Registrar Agreements required for all new gTLDs. The following GAC comments are consistent with and reflect the relevant GAC advice submitted to the ICANN Board in the Toronto (October 2012), Beijing (April 2013), London (June 2014), Los Angeles (October 2014), Singapore (February 2015), and Buenos Aires (June 2015) Communiques.^{1,2,3,4,5,6}

¹ “Governmental Advisory Committee; Toronto, Canada – 17 October 2012; GAC Communique – Toronto, Canada,” *available at*:
https://gacweb.icann.org/download/attachments/28278854/FINAL_Toronto_Communique_20121017.pdf?version=1&modificationDate=1351781805000&api=v2.

² “Governmental Advisory Committee; Beijing, People’s Republic of China – 11 April 2013; GAC Communique – Beijing, People’s Republic of China,” *available at*:
https://gacweb.icann.org/download/attachments/28278854/Beijing%20Communique%20april2013_Final.pdf?version=1&modificationDate=1367607354000&api=v2.

³ “Governmental Advisory Committee; London, 25 June 2014; GAC Communique – London, United Kingdom,” *available at*:
<https://gacweb.icann.org/download/attachments/28278854/GAC%20London%20Communique%20FINAL%20%20%281%29.pdf?version=1&modificationDate=1406131116000&api=v2>.

The following GAC comments are specific to the Safeguards and PICs-related CCTRT recommendations (14 and 17 – 39), which the GAC endorses.

Incentives for gTLD registries to meet user expectations/Recommendation 14:

The GAC supports this recommendation. The incentives may take the form of voluntary PICs, such as in a number of 2012 new gTLDs, where these registry agreement provisions were used to accomplish the goals identified in parts 1, 2 and 3 of this Recommendation.

WHOIS Verification/Recommendations 17 & 18: The GAC agrees and supports the recommendation that ICANN gather additional data and conduct additional analysis pertaining to WHOIS accuracy complaints. The GAC further supports using this data and analysis to assist determining whether to proceed with the identity validation phase of the Accuracy Reporting System (ARS) project.

Mitigating Abuse Activity/Recommendation 19: The GAC fully supports the recommendation that ICANN gather and analyze, on a regular basis, data pertaining to abuse rates in new gTLDs. The GAC agrees that ICANN, the community and future review teams should review this data in an effort to better measure the ability of new gTLD registries to mitigate abusive activity.

Security Checks/Recommendation 20: The GAC takes note of the finding that 96% of registries are conducting security checks but that work still needs to be completed as regards a Registry Operator Framework that specifies how registrars should respond to security threats. The GAC encourages the review of the Framework following its implementation in order to assess its effectiveness in mitigating DNS abuse.

Making and Handling Complaints/Recommendations 21 & 22: The GAC strongly endorses the recommendation that improved data gathering is important in order to determine whether law enforcement and the public are aware of available complaint mechanisms, how often such mechanisms are used to notify registries of illegal or abuse behavior, and their effectiveness in

⁴ “Governmental Advisory Committee; Los Angeles, 15 October 2014; GAC Communique – Los Angeles, CA, USA,” *available at:*
https://gacweb.icann.org/download/attachments/28278854/Los%20Angeles_GAC%20Communique_Final.pdf?version=1&modificationDate=1414680955000&api=v2.

⁵ “Governmental Advisory Committee; Singapore, 11 February 2015; GAC Communique – Singapore,” *available at:*
https://gacweb.icann.org/download/attachments/28278854/GAC_SINGAPORE52_COMMUNIQUE_FINAL2.pdf?version=1&modificationDate=1436284274000&api=v2.

⁶ “Governmental Advisory Committee; Buenos Aires, 24 June 2015; GAC Communique – Buenos Aires, Argentina,” *available at:*
<https://gacweb.icann.org/download/attachments/28278854/GAC%20Buenos%20Aires%2053%20Comunique.pdf?version=1&modificationDate=1436284325000&api=v2>.

mitigating DNS abuse. The GAC believes that registries should actively promote awareness of contact points for reporting of abuse.

Safeguards for Sensitive and Regulated Strings/Recommendations 23 & 24:

The GAC strongly supports these recommendations that more detailed information be collected by ICANN Contractual Compliance in order to determine the extent to which the safeguards for sensitive and regulated strings (Category 1) have been successful in mitigating risks to the public. The GAC also supports the aim of establishing a common set of definitions and metrics relating to sensitive information and appropriate security measures.

Safeguards for Highly Regulated Strings/Recommendations 25 – 30: The GAC believes that it is vitally important to assess the level of implementation of safeguards for highly regulated strings and whether such safeguards have been effective in mitigating risks associated with domains in highly regulated markets. The GAC supports the recommendations therefore on specific areas where more data and information is required for an objective assessment.

Special Safeguards Related to New gTLDs with Inherent Governmental Functions and Cyberbullying/Recommendations 31 & 32: The GAC strongly supports the recommendation that ICANN determine whether complaints have been received regarding a registry operator's failure to comply with these safeguards, particularly for those TLDs with an inherent governmental function. The GAC welcomes the recommended survey for registries to determine how they (registries) are enforcing these safeguards and looks forward to receiving the results. This is of particular interest to the GAC as two letter codes are currently being registered at the second level, and it is of particular importance to many governments that registry operators comply with these special safeguards and know with confidence that they are being enforced effectively.

Restricted Registration Policies/Recommendations 33 – 36: The GAC supports these recommendations in calling for the additional collection of data; repeating and refining the DNS abuse Study; and attaining public comments on the impact of new gTLD registration restrictions on competition. With that, the GAC notes its public policy interest in ICANN (through its new gTLD program) further engendering trust and confidence in the DNS while doing so in an informed manner, cognizant of any potential/known impacts on competition.

Enforcement of PICs/Recommendations 37 - 39: The GAC supports the recommendation that ICANN improve the accessibility of voluntary PICs by maintaining a publicly accessible database of these commitments. This would facilitate the process of analyzing and comparing PICs. In addition, the GAC recommends that the CCT-RT also consider evaluating whether the PICDRP

(and related PDDRP) fulfills its intended public interest purpose of addressing fraudulent and deceptive practices, as apparently neither Specification 11 nor the Registry Agreement imposes obligations on registry operators and registrars *themselves* to avoid fraudulent and deceptive practices.⁷

Other GAC Comments

Set objectives for applications from the Global South/Recommendation 43:

The GAC believes that clear measurable goals and indicators must be established. These should be linked to broader ICANN strategic goals and should be integrated with ICANN department objectives and the work of the various CCWGs, including but not limited to the ongoing work on diversity. Diversity has many dimensions and ensuring that there is an increase in number of delegated strings from under-served regions should be critical.

Expand and improve outreach into the Global South/Recommendation 44:

The GAC believes that the work of AMGlobal is limited in scope and needs to be expanded and updated. This should include: Identify targets, agents of change, beneficiaries, and who can help with outreach and awareness initiatives. The program should begin by responding to the challenges identified by earlier unsuccessful outreach attempts.

Coordinate the pro bono assistance program/Recommendation 45; and Revisit the Applicant Financial Support Program/Recommendation 46: The GAC supports the suggestion that the pro bono assistance be coordinated by ICANN organization and should do so online as well as during face-to-face meetings (when possible). As far as the application financial support program is concerned, not only should the application fee be reduced for all applicants but members from underserved regions should be offered additional support due to external issues such as bad weather affecting communications, very low internet connectivity, etc which should not prevent entities in those regions from applying. Other issues requiring attention include access to relevant information in a simple manner and in relevant languages.

Conduct a thorough review of procedures and objectives for community-based applications/Recommendation 48: The GAC supports this recommendation.

In conclusion, the GAC appreciates the work done by the CCT-RT so far. It represents a crucial contribution in evaluating the overall impact of the new gTLD Program and identifying corrective measures and enhancements. As far as consumer trust is concerned, the draft report recognises the positive

⁷ The current Specification 11 at paragraph 3(a) only prohibits registered name holders from engaging in fraudulent and deceptive practices, not registries and registrars.

correlation between safeguards and restrictions imposed by TLD operators and the level of trust associated with a given TLD.

The GAC encourages the CCT-RT to complete this important work and looks forward to the final report.