



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

19 May 2017

This document is in response to the CCTRT request of 25 January 2017 for ICANN organization's input on the implications for implementation of the current draft recommendations. ICANN organization 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. This input is not intended to discuss the merits of the recommendations, but rather provides information on how ICANN organization might implement the recommendations if approved by the ICANN Board.

In assessing the feasibility of implementing the draft recommendations, ICANN organization finds that the recommendations directed at ICANN organization are implementable within the timeframe specified. Several areas do require clarification and guidance from the CCTRT to ensure that the eventual implementation meets the intent of the recommendations. To inform the CCTRT's work in finalizing the recommendations, ICANN organization is also highlighting areas where requirements of the recommendations seem to overlap with existing efforts, and providing information on alternative implementations for consideration.

Where applicable, ICANN organization provides costs for implementation as well as ongoing costs to deliver the recommendations. Any cost information provided are 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 organization departments also needed to support the activities.

In this document, ICANN organization is also providing the status of activities undertaken by the ICANN Contractual Compliance team based on community feedback received in different fora. This work addresses some of the requirements in some of the draft recommendations, and the status of this work is provided to inform the CCTRT's ongoing discussions.

### **General Inputs**

#### *Recommendations directed to multiple ICANN stakeholders*

Recommendations 11, 13, 17, 18, 21, 22, 33, 34, 35, 36, 38, and 47 of the CCTRT draft report are directed to ICANN organization and other stakeholders. Of these, recommendations 17 and 18 provide direction as to what is expected of ICANN organization and other stakeholders, but the other recommendations do not. For clarity, it would be helpful if the CCTRT can specify what is expected of ICANN organization and each of the stakeholders

mentioned in these recommendations.

#### *Prerequisite or priority level*

Assessment of the CCTRT draft report's recommendations shows that many of the recommendations are related and could be bundled for implementation. ICANN organization identifies the following sets of related recommendations, some with overlap:

- Pricing data - Recommendations 2, 3, 4, and 6
- Country-level data - Recommendations 7 and 8
- Whois data - Recommendations 17 and 18
- DNS abuse data - Recommendations 19, 30, 34
- Registrant data - Recommendations 9, 11, 15, 26, and 33
- Consumer end-user data - Recommendations 11, 13, and 15
- Impact of registration restrictions on consumer trust - Recommendations 16, 35, and 36
- Safeguard study - Recommendations 21, 22, 24, 25, 26, 27, 28, 29, 30 and 32

This bundling creates a situation where the recommendations in each of the sets have differing priority levels. It would be helpful if the CCTRT could review the assigned priorities and provide guidance on implementation timeline. Our assessment shows that implementation for these recommendations could be completed within the high priority timeline, but the CCTRT might wish to consider the intended use of the data, including for whom it will be useful, to determine the appropriate priority level for each of these sets of recommendations (i.e., if the intention is to have the data and analysis available for the next review team should the priority level be low to reflect that intended use and to ensure the next CCTRT have the most up-to-date data). Also of note is although the recommendations could be completed within the high priority timeline, simultaneous implementation of all recommendations would have significant resourcing impact on ICANN organization, and require re-prioritization of activities committed to in ICANN organization's annual operating plan and budget.

#### *Intended use of data*

Several of the recommendations in the CCTRT draft report (Recommendations 2-9, 11, 13, 15, 16, 17, 19, 21-36, and 40) ask for collection of data, or studies/surveys. While some of these recommendations specify that the data and analysis are to inform future CCTRTs' work or PDP deliberations, many do not specify the intended use of the data or analysis. It would be helpful if the CCTRT's vision for the intended use and users of the data/analysis were described in greater specificity, both for the benefit of the community and for ICANN organization to ensure the data collection and analysis meet the intended purpose.

Some of the recommendations in the CCTRT draft report acknowledge that studies requested could evolve over time, but many do not. It would be helpful if the CCTRT could clarify if this is intentional. Given the changing landscape of the DNS marketplace, flexibility for ICANN organization to work with the community to evolve the data collection and analysis over time would ensure that our efforts provide meaningful data for future work by the community.



This would also allow for appropriate adjustments to be made based on any future consensus policies (e.g., if a future new policy renders a particular metric moot for its intended purpose).

#### *Overlap with other existing efforts*

Many of the recommendations in the CCTRT draft report have some level of overlap with existing efforts either led by ICANN or other groups outside of ICANN. The recommendations related to data collection, surveys and studies (Recommendations 2-9, 11, 13, 15-17, 19, 21-36, and 40) have some overlap with the existing gTLD Marketplace Health Index, Open Data Initiative, Identifier Technology Health Indicators initiative, and/or DNS Marketplace studies. It would be helpful to understand how the CCTRT see the recommendations in the draft report aligning with these other existing efforts, now and in the future. For example, both the CCTRT draft report and gTLD Marketplace Health Index effort look to identify metrics that would appropriately serve as indicators of competition, choice and trust in the DNS market, and the mechanism (surveys, studies, etc.) for ongoing collection of data to measure these metrics. One potential way to enable future alignment is to ensure the CCTRT's recommendations are made in concert with the gTLD Marketplace Health Index, and other existing related efforts.

#### **Specific Inputs**

In addition to the above general inputs, ICANN organization offers the following specific implementation information.

##### *Recommendation 1*

Recommendation 1 of the CCTRT draft report asks that ICANN organization establish a formal initiative, potentially including a dedicated data scientist, to facilitate quantitative analysis of the domain name market and outcomes of policy implementation.

The community's request for a more data-driven approach to ICANN's work, and various data needs by review and PDP working groups to support their discussions require a wide range of skills and expertise, best met by a team that has the relevant skill set and supplemented as needed by external expertise. As such, ICANN organization has dedicated research teams with relevant knowledge to support various activities and requests. As appropriate, these teams perform either original research and analysis, or work with external vendors to produce data to inform the work of the community. It would be helpful if the CCTRT could specify any gaps in how ICANN organization currently serves the community's needs for data and research so that ICANN organization can address them appropriately.

##### *Recommendations 2, 3, 4, and 6*

Recommendations 2, 3, 4, and 6 ask for collection of wholesale, transactional, and retail pricing as well as secondary market data to assist in future efforts of analyzing competition between legacy and new gTLDs.

Transaction and retail pricing information could be collected from registries, registrars, or



resellers. The recommendations did not specify from which party the data should be collected. It would be helpful if the CCTRT could clarify so that the appropriate data collection and analysis are performed.

Implementation, cost, resource, and timing estimate: Implementation of these recommendations could entail working with an economic analysis firm to both collect and analyze the requested data. ICANN organization estimates that the vendor cost for this work would be approximately USD 150,000 per report. It is estimated that 0.5 FTE would be needed to support this work. Estimated timeline for implementation, including issuance of a Request for Proposal through delivery of the report is 12 months.

Ongoing cost and resource estimate: USD 150,000 and 0.5 FTE per iteration of the report.

Concern: If the recommendations from the CCTRT are intended to require ICANN to collect retail pricing data from registries and registrars, ICANN organization takes note of the requirements in its agreements with the contracted parties that may be applicable. The New gTLD Registry Agreement includes a specific provision requiring new gTLD registry operators to reasonably cooperate with certain economic studies that ICANN organization may commission. Specifically, Section 2.15 of the Registry Agreement states:

*If ICANN initiates or commissions an economic study on the impact or functioning of new generic top-level domains on the Internet, the DNS or related matters, Registry Operator shall reasonably cooperate with such study, including by delivering to ICANN or its designee conducting such study all data related to the operation of the TLD reasonably necessary for the purposes of such study requested by ICANN or its designee, provided, that Registry Operator may withhold (a) any internal analyses or evaluations prepared by Registry Operator with respect to such data and (b) any data to the extent that the delivery of such data would be in violation of applicable law. Any data delivered to ICANN or its designee pursuant to this Section 2.15 that is appropriately marked as confidential (as required by Section 7.15) shall be treated as Confidential Information of Registry Operator in accordance with Section 7.15, provided that, if ICANN aggregates and makes anonymous such data, ICANN or its designee may disclose such data to any third party. Following completion of an economic study for which Registry Operator has provided data, ICANN will destroy all data provided by Registry Operator that has not been aggregated and made anonymous.*

The registry agreements for legacy gTLDs may have different requirements, with some registry agreements having similar language as the New gTLD Registry Agreement while others have no such obligation.

The 2013 Registrar Accreditation Agreement does not include a specific requirement to cooperate with ICANN organization-initiated or commissioned economic studies.

Given this landscape, ICANN organization would need to explore whether, and if so how, it



could require its contracted parties to provide the requested information.<sup>1</sup> Recommendation 4 suggests that the Registrar Accreditation Agreement be amended to require reporting of retail pricing to ICANN organization. Amending the Registrar Accreditation Agreement to incorporate this requirement is not an action that ICANN organization can take unilaterally. Registrars are party to this agreement and would have to agree to provide this data and to amend the Registrar Accreditation Agreement to make this a contractual requirement. ICANN organization would also have to undertake a similar analysis with respect to the registry agreements.

ICANN organization notes that the gTLD Marketplace Index effort is working to define metrics to measure competition in the DNS market. It would be helpful to understand how the CCTRT sees these recommendations aligning with the gTLD Marketplace Index effort. Would the CCTRT consider folding this recommendation into a common set of metrics that may be collected and analyzed via this ongoing effort?

#### *Recommendation 5*

Recommendation 5 asks ICANN organization to collect parking data in all TLDs to determine if the observed high incidence of parking has an impact on the competitive landscape. It is not clear from the recommendation what analyses the CCTRT expects to be performed on the data collected. It would be helpful if the CCTRT could clarify so that the appropriate analyses could be done.

Implementation, cost, resource, and timing estimate: The collection of legacy parking data would entail contracting with a vendor. The cost is estimated at USD 5,500 per assessment. Parking rates in new gTLDs are freely available at [ntldstats.com](http://ntldstats.com). Estimated timeline for implementation, including contracting with a vendor through delivery of the report is 6 months. It is estimated that 0.5 FTE would be needed to support this work. Clarification, as noted above, is needed before cost and resources for the analysis of the data can be estimated.

Ongoing cost and resource estimate: USD 5,500 or less per assessment each time the assessment is repeated. ICANN organization could potentially negotiate a lower fee for a longer-term contract. It is estimated that 0.5 FTE would be needed to support each iteration of the assessment.

ICANN organization notes that the gTLD Marketplace Index effort is working to define metrics to measure competition in the DNS market. It would be helpful to understand how the CCTRT see this recommendation aligning with the gTLD Marketplace Index effort. Would the CCTRT consider folding this recommendation into a common set of metrics that may be collected and analyzed via this ongoing effort?

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<sup>1</sup> There may be a separate issue about whether it is advisable or practical for ICANN organization becoming a repository of a considerable amount of economic data that it does not hold today. We do not address those issues here.

### *Recommendations 7 and 8*

Recommendations 7 and 8 ask ICANN organization to collect sales data in gTLDs and ccTLDs at the country level, and to partner with organizations such as CENTR, AFTLD, LACTLD, and APTLD to obtain the data. The recommendations further ask that ICANN organization encourage coordination by these parties to standardize research methodologies, and to continue the regional DNS marketplace studies.

It is not clear from the text of the recommendations what is meant by sales data. It would be helpful if the CCTRT could clarify if sales data means domain name registration counts, or the sales generated by the registry for domain name registrations, or both to ensure that appropriate data is collected to meet the intent of the recommendations.

Additionally, it is not clear from the recommendations what analyses the CCTRT expects be performed on the data collected. It would be helpful if the CCTRT could clarify so that the appropriate analyses could be done.

Recommendation 8 asks that these studies be conducted on an ongoing basis and implies that data derived from such studies would help to inform future CCTRTs discussions. However, the recommendation is noted as a prerequisite to future new gTLD rounds, which does not seem to align with the intended use of the information as an input for future CCT reviews. It would be helpful if the CCTRT could provide clarification on the implementation timing of this recommendation.

Implementation, cost, resource, and timing estimate: Depending upon the CCTRT's clarification of the level of detail required in the data recommended for collection, ICANN organization may leverage existing relationships with regional TLD organizations, which may collect some of the requested data in appropriate granularity. Implementation of the recommendations may also require looking at Whois records to determine country of registrant. Bulk access to Whois records may be limited depending on the intended use of the data. The estimated cost for a potential implementation approach based on collection of the relevant data is estimated at USD 75,000 per report, and resource is estimated at 0.5 FTE to support. Estimated timeline for implementation, including report generation is 12 months. For the regional DNS marketplace studies, the cost for the studies is estimated between USD 60,000 and USD 150,000, and approximately 0.5 FTE to support the effort. These studies are estimated to take 6-15 months to complete. Clarification, as noted above, is needed before cost and resources for the analysis of the data can be estimated.

Ongoing cost and resource estimate: USD 75,000 and 0.5 FTE per iteration of the sales data report, and USD 60,000-USD 150,000 for the regional DNS marketplace studies and 0.5 FTE each time the assessment/report is performed.

Concern: Because sales data is considered competitive business information, it is likely difficult to obtain. Some regional TLD organizations may collect this data from their members. ICANN organization has Memorandums of Understanding with several of the regional TLD



organizations, but these Memorandums may need to be changed to include sales data. Such a change would of course be subject to negotiation with the relevant organizations. For registration data, the rise of privacy/proxy registrations may affect the ability to accurately capture the country of origin for domain name registrations. In addition, access to bulk Whois registration data may be limited depending on the intended use of the data.

This is another area where the recommendations overlap with activities of the gTLD Marketplace Index. It would be helpful to understand how the CCTRT see these recommendations aligning with the gTLD Marketplace Index effort. Would the CCTRT consider folding these recommendations into a common set of metrics that may be collected and analyzed via this ongoing effort?

*Recommendations 9, 11, 15, 26, and 33*

Collectively, these recommendations aim for better understanding of registrants' preferences for particular TLDs; their motivations for choosing particular TLDs; their familiarity and trust with TLDs, including trustworthiness of gTLDs that have registration restrictions vs. those without; volume of complaints that they receive from regulatory bodies and how they respond; and geographic distribution of registrants and services offered by registrars.

Although data for registrants' preferences for types of TLDs (i.e., geographic) can provide insight into choice and trust, it's unclear how registrants' preferences for particular TLDs inform the extent to which the expansion of gTLDs has promoted competition, consumer trust and consumer choice. It would be helpful if the CCTRT could clarify to ensure that appropriate analyses could be performed to inform future CCTRT discussions.

Implementation, cost, resource, and timing estimate: Implementation of these recommendations could entail repeating the registrant survey and including additional questions to address new requirements from these recommendations. This survey is estimated to cost USD 150,000. Resource requirement is estimated at 0.5 FTE. Estimated timeline for implementation, including report generation is 6 months.

Ongoing cost and resource estimate: USD 150,000 and 0.5 FTE for each iteration of the report.

This is another area where the recommendations overlap with activities of the gTLD Marketplace Index. It would be helpful to understand how the CCTRT sees these recommendations aligning with the gTLD Marketplace Index effort. Would the CCTRT consider folding these recommendations into a common set of metrics that may be collected and analyzed via this ongoing effort?

*Recommendations 11, 13, and 15*

Recommendations 11, 13, and 15 of the CCTRT draft report ask for additions or changes to the consumer end-user and registrant surveys previously conducted for the CCTRT. Recommendation 11 asks for more focused questions relating to consumer preferences and choice with respect to geographic name gTLDs, specific sector gTLDs and IDN gTLDs.



Recommendation 11 also aims to better understand registrants' perceived benefits of the expanded number and type of gTLDs and whether confusion has been created by this expansion. Recommendation 15 builds on recommendation 11 and suggests repeating a series of questions from these previously conducted surveys. Recommendation 13 focuses on which TLDs consumers prefer, including what factors drive their decisions to visit particular domain names, and how their behavior is indicative of trust in those TLDs.

Implementation, cost, resource, and timing estimate: Implementation of these recommendations would entail continuing the consumer end-users survey and including additional questions to address new requirements from these recommendations. This survey is estimated to cost USD 150,000. Resource requirement is estimated at 0.5 FTE. Estimated timeline for implementation, including report generation is 6 months.

Ongoing cost and resource estimate: USD 150,000 and 0.5 FTE per iteration of the report.

This is another area where the recommendations overlap with activities of the gTLD Marketplace Index. It would be helpful to understand how the CCTRT see these recommendations aligning with the gTLD Marketplace Index effort. Would the CCTRT consider folding these recommendations into a common set of metrics that may be collected and analyzed via this ongoing effort?

#### *Recommendation 12*

It is either expressed or implied in all of ICANN organization's agreements that the contracted party must comply with all applicable laws. To implement this recommendation, it would be helpful if the CCTRT could clarify this recommendation, including what is expected of ICANN organization.

#### *Recommendations 16, 35, and 36*

Recommendations 16 and 35 ask for additional data on the impact registration restrictions have on consumer trust. Recommendation 16 is focused on comparing consumer trust levels in TLDs with restrictions versus those without, whether restrictions impact DNS abuse rates, and how such restrictions are enforced. Recommendations 16 and 35 recommend exploring the costs and benefits of registration restrictions, including the costs for compliance and costs to registries, registrars, and registrants. Recommendation 36 suggests soliciting public comment on the cost-benefit analysis included in Recommendation 35.

The requirements of Recommendations 16 and 35 seem duplicative. It would be helpful if the CCTRT can clarify the difference between these two recommendations. Additionally, costs and benefits are not defined in these recommendations. It would be helpful to have clarity on what is meant by costs and benefits within the context of these recommendations to ensure that the data collection and analyses meet the intent of the recommendations.

Implementation, cost, resource, and timing estimate: Implementation of these recommendations could entail commissioning a study to examine data from various inputs





into a single white paper that would then be published for public comment. The cost of the study is estimated at USD 300,000 per study. Resource requirement is estimated at 0.5 FTE to support. Estimated timeline for the study, including contracting with a vendor through report generation for public comment is 9 months.

Ongoing cost and resource estimate: USD 300,000 and 0.5 FTE per iteration of the report.

Concern: Data collection is highly dependent on contracted parties' willingness to provide information on enforcement, credential checking, and other data on registration requirements. It may be challenging to obtain the necessary data to make this study meaningful. Also, given that registration restrictions broadly are hard to conceptualize, it would be helpful if the CCTRT could provide guidance on the types of restrictions that are intended in these recommendations.

#### *Recommendations 17 and 18*

Recommendation 17 of the CCTRT draft report asks that ICANN organization gather and analyze Whois accuracy complaints received by ICANN Contractual Compliance for syntax, operability, and identity. The recommendation also asks that these complaints be compared between those relating to legacy and new gTLDs. Recommendation 18 suggests that the Registration Data Services (RDS)/Whois 2 Review Team consider this information in its upcoming work and that future CCTRTs discuss the topic if a differential exists between legacy and new gTLDs.

The ICANN Contractual Compliance team is in the process of adding more granularity for Whois inaccuracy reporting to its published reports, which will apply to future complaints once implemented. This will allow for reporting of Whois inaccuracy by syntax, operability, and identity in legacy and new gTLDs. Target completion date is July 2017. In addition, the Whois Accuracy Reporting System (ARS) is currently performing syntax and operability analyses. Previous internal feasibility assessments of implementing identity analysis show this work would be expensive to implement and would yield less than deterministic results.

Recommendation 17 asks that ICANN organization "also identify other potential data sources of Whois complaints (registrars, registries, ISPs, etc.) and attempt to obtain anonymized data from these sources." It is not clear what data the CCTRT is requesting ICANN organization collect from registries and registrars. It is also not certain that the registries and registrars collect the data that the CCTRT might be requesting. There could also be challenges in obtaining the data since the registries and registrars are not contractually obligated to provide it. It should also be noted that ICANN organization has no contractual relationship with ISPs. It would be helpful if the CCTRT could provide clarification and guidance in these areas to ensure the appropriate data collection and analyses are performed.

Regarding the CCTRT's draft recommendation that the RDS/Whois2 Review Team take this data into consideration, ICANN organization notes that the RDS/Whois2 Review Team is being formed and will determine the scope of the review. A limited scope review of the

implementation of the recommendations that came out of the last Whois review is being considered by the Review Team. If the RDS/Whois2 Review Team decides on a limited scope review, it is estimated that the Review Team's work will take approximately six months to complete. This timing would not align with the CCTRT's recommended priority for this recommendation.

#### *Recommendations 19, 30, and 34*

Recommendations 19, 30, and 34 ask for ongoing study and measurement of DNS abuse (i.e. spam, phishing, malware distribution, and botnet command-and-control domains) in new versus legacy gTLDs in the following areas:

- Recommendation 19 asks for comparison of rates of abuse in domains operating under the current Registry Agreement and Registrar Accreditation Agreement with rates in legacy gTLDs.
- Recommendation 30 asks for comparison of abuse rates in TLDs in highly-regulated sectors that have voluntarily agreed to verify/validate user credentials with those highly-regulated gTLDs who do not.
- Recommendation 34 asks for comparison of abuse rates in gTLDs with registration restrictions to gTLDs without registration restrictions.

The recommendations aim to compare abuse rates in different segments and types of gTLDs as a means to measure the effectiveness of safeguards built into the New gTLD Program.

Implementation, cost, resource, and timing estimate: Implementation of this recommendation could entail continuing the current DNS abuse study and add the new requirements from these recommendations. The cost of the study is estimated at USD 100,000 per study. 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.

For Recommendation 19, ICANN organization is also developing a compliance report to publish on ICANN.org that will include all complaint types and be based on the type of gTLD at issue in the complaint – legacy or new gTLDs. The target completion date is July 2017.

For Recommendation 30, ICANN organization will assess how to collect and report complaints in highly regulated gTLDs that verify/validate credentials and those that don't.

Ongoing cost and resource estimate: USD 100,000 and 0.25 FTE per iteration of the DNS abuse study report.

Concern: Continuing with the current DNS abuse study in its full form with the currently contracted researchers may impose unnecessary duplicative costs given the capabilities of the DNS Abuse Reporting Tools (DART) to generate reports measuring levels of DNS abuse. However, the more in-depth analyses asked for in Recommendations 30 and 34 require more sophisticated statistical analysis that may be beyond the internal expertise available within ICANN organization and the capabilities of DART. Any correlation between an abuse trend line

generated by DART and given safeguard targeted in Recommendations 30 and 34 (i.e. credential verification and registration restrictions) would be speculative given the many variables involved in predicting an abuse rate.

As such, a potential solution could be to utilize DART, which is currently in the beta testing phase, as a means to satisfy the requirements of Recommendation 19. To satisfy the requirements of Recommendations 30 and 34, ICANN organization may explore continuing the contract with the current DNS abuse study researchers to carry out the more sophisticated statistical analyses. This would carry marginal costs to the current study rather than new costs for a new study. To implement Recommendation 34, it would be helpful if the CCTRT could clarify what types of registration restrictions the CCTRT wants included in this study.

*Recommendations 21, 22, 24, 25, 26, 27, 28, 29, 30, and 32*

The CCTRT draft report contains several recommendations relating to safeguards. These include Recommendations 21, 22, 24, 25, 26, 27, 28, 29, 30, and 32.

- Recommendation 21 seeks to gauge how many complaints registries are receiving from government agencies on illegal conduct in particular TLDs and what actions registries have taken to combat such abuse.
- Recommendation 22 asks for an assessment of whether more efforts are needed to publicize contact points for abuse reporting.
- Recommendation 24 seeks to understand what security measures registries have taken to guard sensitive health or financial information.
- Recommendation 25 asks for a study on highly regulated new gTLDs to determine steps registries are taking to establish working relationships with relevant government or industry bodies.
- Recommendation 26 asks for data on the number of complaints in highly regulated new gTLDs.
- Recommendation 27 asks for data on whether contact information to file complaints in websites within highly regulated sectors are easy to find.
- Recommendation 28 asks for data on whether credentials are being enforced by registrars.
- Recommendation 29 asks for data on volume and subject matter of complaints regarding domains in highly-regulated industries.
- Recommendation 30 asks for comparison of rates of abuse between highly-regulated gTLDs that have voluntarily agreed to verify and validate credentials and those that do not.
- Recommendation 32 asks for data on how registries enforce safeguards related to gTLDs with inherent governmental functions or cyber bullying.

In Recommendation 22, it is unclear what is meant by “effort to publicize.” As per the current Registry Agreement, registries are only required to provide an abuse point of contact. Registries are not contractually obligated to publish the abuse point of contact in any specific area of their websites. Any additional requirements regarding the publication of the abuse



point of contact would require a contract amendment. To implement this recommendation, it would be helpful if the CCTRT can clarify what data and analysis the CCTRT is asking for in this recommendation.

Recommendations 24, 25, 26, 27, 28, 29, 30, and 32 do not specify the intended use of the information. It would be helpful if the CCTRT could clarify the intended use and by whom to ensure that appropriate data collection and analyses are performed.

Recommendation 25 refers to conducting a study on highly regulated new gTLDs to understand the steps registries are taking to establish working relationships with relevant government or industry bodies. As registries have an obligation to create a working relationship with the relevant regulatory or industry self-regulatory bodies, ICANN organization routinely audits registry operators for compliance with this contractual provision. Could this audit meet the requirements of this recommendation, or is a study required?

Recommendation 27 refers to assessing the presence of complaint contact information for the users of the websites at the second level in gTLDs that are considered highly regulated. ICANN reviews compliance with all category 1 safeguards as applicable to certain TLDs, including the Registry Registrar Agreement. ICANN's contractual relationship is with the registry operator as it relates to contact information. ICANN does not have a contractual relationship with registrants and does not assess this content.

Implementation, cost, resource, and timing estimate: Implementation of these recommendations could entail conducting a quantitative survey of registry operators on safeguards they implement and the impacts. The estimated cost would be USD 50,000 and resource requirement of 0.5 FTE to support. Estimated timeline for the study, including contracting with a vendor through report generation is 6 months.

In addition, the following activities are in process, which address some of the requirements in some of these recommendations:

- Regarding Recommendation 25, ICANN organization is performing audits on registry operators, which includes auditing for compliance on the contractual requirement that registries establish working relationships with relevant government or industry bodies.
- Regarding Recommendation 28, ICANN organization is updating its registrar audit plan to include a test for compliance with a highly regulated TLD's requirements for registration; whether restrictions regarding possessing necessary credentials are being enforced by registrars. Target completion date is June 2017.
- Regarding Recommendation 29, ICANN organization is in the process of developing the required changes to provide more detailed information on the subject matter of complaints in the publicly available contractual compliance reports. The target completion date is July 2017.



Ongoing cost and resource estimate: USD 50,000 and 0.5 FTE per iteration of the survey.

*Recommendation 23*

Recommendation 23 asks for the inclusion of more detailed information on the subject matter of complaints in ICANN organization's publicly available compliance reports.

Recently, ICANN organization has received similar requests from other constituencies and working groups., ICANN organization is in the process of developing the required changes to provide more granularity on complaint types. The effort is focused on Whois inaccuracy, abuse and safeguard categories, and is expected to be completed in July 2017. The categories for abuse will relate to the Public Interest Commitment section 3.b and to the categories listed here: <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf>.

The recommendation also asks for data on what type of law is being violated when a complainant cites a law violation. ICANN has not received complaints related to a registry operator not complying with applicable laws. It would be helpful if the CCTRT could provide more guidance as to the purpose of the data requested and what analyses are expected of ICANN organization for this data.

*Recommendation 31*

Recommendation 31 asks whether ICANN Contractual Compliance has received complaints for a registry's failure to comply with either the safeguard related to gTLDs with inherent governmental functions or the safeguard related to cyberbullying. ICANN organization has not received complaints related to these safeguards.

*Recommendation 37*

Recommendation 37 asks ICANN organization to maintain a publicly accessible database of voluntary PICs.

Implementation, cost, resource, and timing estimate: Implementation of this recommendation could entail including the cataloguing of the voluntary PICs in the existing overall effort of moving the Registry Agreements into a contract administration management tool. The cataloguing would require significant resources. Estimated time for cataloguing is 9 months.

Ongoing cost and resource estimate: None as currently PICs cannot be modified.

Concern: Given the resource requirement for this effort, it would be helpful to understand the intended use of the database and by whom. It should also be noted that PICs are a topic of discussion in the Subsequent Procedures PDP Working Group. As discussions are still in the early stages, it is unclear how PICs will play a role in the introduction of additional new gTLDs, and thus to what extent the database will be used in the future.

The current [Open Data Initiative](#)'s objective is to make available data through web pages and



programming APIs. An alternative implementation approach would be to make the voluntary PICs available through this Initiative. The Initiative is still in the pilot phase, however, and efforts to make the PICs available through this Initiative is difficult to estimate without more information about the system/tool. Additionally, the required timing for the implementation of this recommendation may not align with the timeline for the Open Data Initiative.

#### *Recommendation 38*

Recommendation 38 asks that future gTLD applicants state the goals of their voluntary PICs. As mentioned above, PICs are a topic of discussion in the Subsequent Procedures PDP Working Group and it is unclear how PICs will play a role in the introduction of additional new gTLDs. This recommendation is directed at both ICANN organization and the Subsequent Procedures PDP Working Group. It would be helpful if the CCTRT can clarify what is expected of ICANN organization in this recommendation.

#### *Recommendation 40*

Recommendation 40 asks that the Full Impact Study performed by INTA is repeated every 18 to 24 months. It is not clear if the CCTRT is asking ICANN organization to perform the same study that INTA is performing, and if so for what purpose and to be used by whom. To implement this recommendation, it would be helpful if the CCTRT could provide clarification.

#### *Recommendation 44*

Recommendation 44 asks that ICANN organization expand and improve outreach into the Global South and to include cost projections and potential business models for operating new gTLDs as part of the outreach efforts. The recommendation further asks that such outreach begin earlier in the application process to facilitate internal decision-making by potential applicants. The recommendation also asks that a list of likely candidates, starting with the work of AMGlobal, be formed for the outreach effort.

It is unclear if by “expand and improve outreach into the Global South” the CCTRT is referring to outreach on new gTLDs and IDNs, or more broadly about encouraging deeper participation and engagement by representatives of these regions in ICANN’s work. It would be helpful if the CCTRT can provide clarification to ensure outreach activities align with the intent of the recommendation.

Since the launch of the 2012 round of new gTLDs, ICANN organization has continued outreach efforts globally. Some examples of outreach performed in geographic areas that correspond to the CCTRT’s Global South definition include eight outreach events in Africa between January and April 2017 reaching an aggregated audience of 2,315; ten outreach events in Asia in the last eight months; one event in the Philippines in September of 2016 reached an audience of 7,000; twelve events in the last seven months in the Latin America region.

As part of implementing future GNSO policy recommendations for introducing additional new gTLDs, ICANN organization will develop a global outreach plan, including outreach into the Global South. The outreach plan will be published for public comment prior to adoption so the





community can provide input on the details of the plan.

*Recommendation 45*

Recommendation 45 asks that the pro bono assistance program be coordinated in such a way that would ensure communication is successful between volunteers and applicants.

Pro bono assistance program is a topic being discussed in the Subsequent Procedures PDP Working Group, and this recommendation aligns with the current state of discussion in the Working Group. Based on an initial assessment, ICANN organization believes that certain improvements could be made to better facilitate communications between volunteers and applicants in future implementation of this program.

*Recommendation 47*

Recommendation 47 asks that ICANN organization provide a template to the GAC for advice related to specific TLDs. In addition, the recommendation asks that the Applicant Guidebook clarify the process and timelines by which GAC Advice can be expected for individual TLDs.

A Board-GAC working group has been formed and is tasked with looking at improving the delivery and handling of GAC advice. It would be helpful if the CCTRT could explain how it envisions this recommendation aligning with the work of the Board-GAC working group. Regarding clarification of the process and timelines by which GAC Advice can be expected for individual TLDs, this topic seems to relate to the overall topic of application processing and timeline being discussed in the Subsequent Procedures PDP Working Group. It would be helpful if the CCTRT could clarify what is expected of ICANN organization in this part of the recommendation.