The Tucows family of registrars (Ascio (IANA 106), Enom (IANA 48), EPAG (IANA 85), and Tucows.com, Co. (IANA 69)) supports the Registrar Stakeholder Group (RrSG) comments in response to the Second Security, Stability, and Resiliency (SSR2) Review Team Final Report and additionally submits the following comments.

The Tucows family of registrars acknowledges the long hours and hard work that go into ICANN's multistakeholder working groups and drafting their reports and thanks the members of the SSR2 for their commitment to the ICANN Community, the multistakeholder model, and the Internet.

The Tucows family of registrars notes the imbalance of the SSR2 team, as there were no members of the Contracted Party house available to participate in this working group. Many of the concerns raised below would likely have been mitigated with a better balance of membership; this is, perhaps, an issue with the multistakeholder model, in the sense that it relies upon the time and interest of volunteers to participate. It is especially concerning that the SSR2 saw fit to recommend amendments to contracts no member of the SSR2 is a party to. The Tucows family of registrars notes the long-term efforts that the Registrars and Registries have undertaken with ICANN Org in order to attempt to negotiate new contractual clauses that other ICANN Community-led efforts have recommended including, but not limited to, the current renegotiation of the RAA and the ongoing discussions surrounding a data processing addendum to both the RAA and the RA. The existence and nature of these negotiations clearly indicates that ICANN Org and the Contracted Party House continue to work together to make necessary contractual amendments and that no other party should be involved in that process.

SSR2 Recommendation 8 is particularly problematic in this regard. It is vastly inappropriate for a third party to attempt to enter into contract negotiations for a contract they are not a party to. The Tucows family of registrars recognizes that DNS Abuse (as defined in the DNS Abuse Framework, to which Tucows is a signatory) is a topic of much interest right now. The Tucows family of registrars both leads and supports efforts to better combat such abuse, from within the ICANN remit and outside of it. The SSR2 recommendation, however, that "abuse and security experts" affiliated with and paid by groups whose business it is to find abuse—but not to combat it—is in error. Not just because, as noted above, it is not acceptable for a third party to attempt to involve themselves in a contract they are not a party to, but also because when a party is paid to identify abuse, they are motivated to find it but not to resolve it.

The Tucows family of registrars receives abuse reports on a regular basis from multiple sources. As required by its contracts with ICANN, as ethically demanded by its status as a citizen of the Internet, and as voluntarily agreed to under the DNS Abuse Framework, the Tucows family of registrars investigates these reports and acts upon them. The SSR2's assertion that the only option with regard to DNS Abuse is suspension of the registered domain name is at odds with reality; the Tucows family of registrars works closely with registrants—often through its reseller network—to alert and advise on how to curtail abuse involving our customers' domain names.

This includes suspension of the domain in some cases, but that is by no means the best or only tool. The SSR2's insistence upon suspension raises concerns about the group's prioritization of website takedowns over the true health of the domain name system.

The SSR2's Recommendation 10 that DNS Abuse ought to be defined is apt. There are many complaints about "DNS Abuse" that fall outside of anything governed by an ICANN contract, including content abuse and purported improper use of registered trademarks in domain names. The DNS Abuse Framework provides a definition that has been used by ICANN in its DAAR reporting[1], was referenced by the GAC in its ICANN70 Communique[2], and is used by most Contracted Parties—even those who are not official signatories to the Framework:

> DNS Abuse is composed of five broad categories of harmful activity insofar as they intersect with the DNS: malware, botnets, phishing, pharming, and spam (when it serves as a delivery mechanism for the other forms of DNS Abuse).

The Tucows family of registrars encourages ICANN to formally adopt this definition.[3]

Regarding Recommendation 12.3, any attempt to identify Contracted Parties that "contribute to abuse" is fraught with impossibility: mere numbers and percentages do not tell the whole story. The Tucows family of registrars notes the good work of the Registrar of Last Resort, for example, as well as the fact that the majority of abuse occurs in the .com registry—which speaks to its popularity, not to its permissive or welcoming nature towards abusive registrations. The problems with Recommendation 12.3 should be obvious but, to avoid doubt: attempting to identify registries and registrars that "contribute to abuse" by quantifying the number of abusive registrations or clients on their platform instead simply indicates a

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[1] "What types of security threats does DAAR observe?", accessed 8 April 2021.
[2] ICANN70 GAC Communiqué, accessed 8 April 2021
[3] The Tucows Family of Registrars acknowledges that, in 2012, the RAP WG's Final Report defined "abuse" as follows:

> *Abuse is an action that:*
> *a. Causes actual and substantial harm, or is a material predicate of such harm, and*
> *b. Is illegal or illegitimate, or is otherwise considered contrary to the intention and design of a stated legitimate purpose, if such purpose is disclosed.*

This is a reasonable definition of abuse broadly but not of DNS Abuse specifically. Attempts to use this definition to apply narrowly to DNS Abuse are misguided and demonstrate a lack of differentiation between domain *registration* abuses and domain *use* abuses. Indeed, this was specifically highlighted in that report, on page 4, where

> *The RAPWG agreed that understanding and differentiating between domain registration abuses and domain use abuses is essential in the ICANN policy context, and a failure to do so can lead to confusion.*

The Tucows Family of Registrars believes that formal adoption by ICANN of the definition of DNS Abuse as defined in the Framework is in accord with the 2012 RAP WG Final Report.

high-volume business. Instead, attention should be given to business practices which allow for abusive behaviour or clients with indicators of abusive intent.

The Tucows family of registrars supports SSR2's commitment to evidence-based improvements but is not clear on why a Temporary Specification is recommended rather than a standard PDP. The SSR2 does not make clear why this might be an emergency of the type envisioned by the IANA transition team; in the absence of such clarity, a standard PDP is the appropriate choice. Furthermore, the Tucows family of registrars notes that DNS Abuse has objectively decreased, as evidenced by [data collated and published by ICANN itself as "Identifier Technology Health Indicator" metrics](). The SSR2 does not take this into account, which unfortunately detracts from the good recommendations it has. Any policy work relating to DNS Abuse would benefit from a clear Issues Report and should be approached as a standard PDP; a Temporary Specification and expedited process are neither required nor appropriate in this context.