

At-Large's Subsequent Procedures Scorecard: Global Public Commitments & Other Safeguards

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At-Large Consolidated Policy Working Group (CPWG) Call
Wednesday, 5 February 2020, 13:00 UTC



FOUNDATIONAL ISSUES

Topic/Area:	[10] PUBLIC INTEREST COMMITMENTS (PICs) & OTHER SAFEGUARDS		Priority:	HIGH	Settled On:	
Related:	<ul style="list-style-type: none"> • DNS Abuse, Contractual Compliance • GAC Advice/GAC Early Warnings, Safeguards - Verified TLDs • <i>Systems [2.4.3] – Submission of PICs during application process</i> 					
Key Issues:	How to best handle PICs (mandatory vs voluntary) and other safeguards eg GAC EWs, Verified TLDs, given the experiences and whatever data has been available from 2012 round?					
Policy Goals:	<ul style="list-style-type: none"> • Develop policy consistent with ICANN's Core Values under Article 1 Section 1.2(b)(ii)¹ • To the extent that mandatory and/or voluntary PICs are carried forward into SubPro, they should be codified in policy 					
Assigned CCT-RT Rec's:	<ul style="list-style-type: none"> ? Rec. 12: Meeting user expectations on SL domain use, registrations for sensitive/regulated industries; safety & security of user personal & sensitive info (prerequisite for SubPro) ? Rec. 15: Amendments to RAA & RA to prevent systemic DNS security abuse (prerequisite for SubPro) ? Rec. 14: Pro-active anti-abuse measures (high priority for SubPro) ? Rec. 16: Support ongoing data collection efforts (eg DAAR) (high priority for SubPro) ? Rec. 23: Gather data on new gTLDs operating in highly-regulated sectors to include 5 elements (high priority for SubPro & ICANN Org) ✓ Rec. 25: Voluntary commitments must include intended goal, allow sufficient opportunity for community review, Limited Public Interest objection deadlines; organized, searchable (high priority for SubPro & ICANN Org) 					
References:	<ul style="list-style-type: none"> • SubPro WG Foundational Issues_Summary Document, 7 January 2020 • 01. SubPro Global Public Interest Update to CPWG, 13 July 2019 					
What has SubPro PDP WG concluded?	What will/might SubPro PDP WG recommend?	Is this acceptable? If not, why so?	What else needs to be done and by/with whom?			
1. Mandatory PICs Should codify current implementation of mandatory PICs as policy recommendations, no	Codification of current implementation of mandatory PICs as policy recommendations, no additional mandatory PICs needed	Yes, ALAC supported this.	Revisit with GAC to ensure mandatory PICs reflect discussions between GAC Public Safety WG and Registries as appropriate			

¹ See: <https://www.icann.org/resources/pages/governance/bylaws-en/#article1>

additional mandatory PICs needed.			
<p>2. Voluntary PICs</p> <p>a) Should continue <u>voluntary PICs</u>, allow applicants to commit to additional voluntary PICs in response to public comments, GAC EW and/or GAC Advice, even if changes nature of original application</p>	<p>In conjunction with CCT Rec. 25,</p> <p>Voluntary commitments must include intended goal, allow sufficient opportunity for community review, Limited Public Interest objection deadlines; organized, searchable (high priority for SubPro & ICANN Org)</p>	<p>Yes, ALAC supported this as voluntary PICs have been proven instrument in ensuring responsible operation of <u>some</u> TLDs.</p>	<p>Should there be limits to individual applicant voluntary PICs? Eg where voluntary PICs:</p> <ul style="list-style-type: none"> (i) touches on areas outside of ICANN’s remit or (ii) goes beyond consensus policy or (iii) offers rights protection beyond PDDRP, RRDRP, URS or (iv) declines to offer proxy & privacy services.
<p>b) Have applicant to spell out voluntary PICs – limitation in time, duration, scope to be reviewable by ICANN, objector or GAC (what the case may be) for all types of applications.</p>	<p><u>SubPro PDP WG reaction</u></p> <p><i>“If the WG supports the CCT-RT recommendation, the WG may want to further discuss whether preliminary recommendations should affirm the recommendation that PICs should state their intended goal. The WG may also want to discuss whether SubPro recommendations should more explicitly align with language: “[PICs must] be submitted during the application process such that there is sufficient opportunity for community review and time to meet the deadlines for community and limited public interest objections.”</i></p> <p><i>The WG may also want to consider if any additional recommendations are needed regarding publication and accessibility of voluntary PICs.</i></p>	<p>Yes, ALAC supported this.</p> <p>No reason to not apply to all types of applications.</p>	
<p>c) Voluntary PICs should be in RA, with change allowed only after public comment where change addresses objection/comment per objector, GAC EW/Advice.</p>		<p>Yes, ALAC supported this.</p>	
<p>d) Agreement that voluntary PICs are an appropriate way to address issues from GAC EW, public comments etc</p>			

	<i>The WG may want to consider if preliminary recommendation 2.3.2.c.4 on modification of PICs is consistent with this CCT-RT recommendation.”</i>		
e) Providing single-registrant TLDs with exemptions and/or waivers to mandatory PICs in Spec 11 3(a) and 11 3(b).			<i>Clarify: Support exemptions/waivers only if alternative, equally rigorous ways to achieve commitments</i>
f) Submission of Voluntary PICs	A way for application system to enable applicants to submit PICs		Follow through under “Systems” and monitor in implementation.
3. Verified TLDs – no high-level agreement	Unsure	CCTRT Final Report states that there are difficulties with assessing effectiveness of new gTLD consumer safeguards, particularly PICs, due to lack of reporting framework and associated data.	KIV need to follow up by way of Advice to Board, in discussion with GAC – There is need for restrictions on registrants and use of DN to improve public trust in new gTLDs; use panel skilled in consumer trust, identify/study options to establish recommendations for reporting/data
What has SubPro PDP WG concluded?	<u>What SubPro PDP WG will likely omit?</u>	Is this acceptable? If not, why so?	What else needs to be done and by/with whom?
4.			
PENDING ISSUES:	SubPro PDP WG reaction		What else needs to be done and by/with whom?
5. CCT Rec. 12 Meeting user expectations on SL domain use, registrations for	<i>“The SubPro PDP has not thoroughly considered the findings from the Nielsen surveys, which at a high level indicated that, “the public believes that websites have different extensions to “properly identify the purpose or</i>		Thoughts?

<p>sensitive/regulated industries; safety & security of user personal & sensitive info (prerequisite for SubPro)</p>	<p>owner or to give an indication of content or function.” As such, the PDP WG has also not considered whether it believes that creating incentives or removing potential barriers (e.g., application fee, annual fees, possible need for RSEP) to operating restricted TLDs is in the best interest of the program.” SUBPRO WG EXPECTED TO REVISIT</p>	
<p>6. <u>CCT Rec. 14</u> Pro-active anti-abuse measures (high priority for SubPro)</p>	<p>“The PDP WG has not looked specifically at introducing financial incentives for registries to adopt proactive anti-abuse measures, but it has considered the prevention of abuse in the context of section 2.3.2 of its Initial Report on the Global Public Interest. There, the PDP WG has preliminarily recommended maintaining the mandatory Public Interest Commitment (PIC) framework, as well as refining the process, scope, and applicability of voluntary PICs.</p> <p>The SubPro PDP may want to specifically consider whether it supports including, “provisions in the agreements to provide incentives, including financial incentives, for registries, especially open registries, to adopt proactive anti-abuse measures.” The PDP WG may want to review the DNS Abuse Review performed on behalf of the CCT-RT.</p> <p>If the PDP WG were to recommend financial incentives, the WG may want to consider the financial impact of doing so and whether it is within the remit of the PDP WG to make such recommendations.</p> <p>Note: The WG has also addressed the topic of DNS Abuse as being a community wide discussion instead of one specifically geared at only the new gTLDs.” SUBPRO WG EXPECTED TO REVISIT</p>	<p>Related to DNS Abuse</p> <p>Revisit whether sufficiently addressed in recent ALAC Advise to Board on DNS Abuse of 26 Dec 2019.</p>
<p>7. <u>CCT Rec. 15</u> Amendments to RAA & RA to prevent systemic DNS security abuse (prerequisite for SubPro)</p>	<p>“This recommendation appears to target existing registry operators and registrars, whereas recommendation 14 also seeks to amend the base registry agreement for future new gTLD procedures. The PDP WG should consider whether they believe recommendation 15 is relevant to its work. This recommendation may be most appropriately addressed by registries/registrar and ICANN org, utilizing the prescribed contract negotiation processes.” SUBPRO WG EXPECTED TO REVISIT</p>	<p>Related to DNS Abuse</p> <p>Revisit whether sufficiently addressed in recent ALAC Advise to Board on DNS Abuse of 26 Dec 2019.</p>

<p>8. <u>CCT Rec. 16</u></p> <p>Support ongoing data collection efforts (eg DAAR) (high priority for SubPro)</p>	<p><i>“This recommendation appears to primarily focus on continuing to commission studies around specific registry operators, registrars, and technical DNS abuse. If the PDP WG is in agreement that this exercise should take place, could develop similar recommendation(s).</i></p> <p><i>In connection to recommendation 14, the PDP WG may want to consider data collected by the CCT-RT related to this subject to determine if any additional measures, including financial incentives, should be recommended.”</i> SUBPRO WG EXPECTED TO REVISIT</p>	<p>Related to DNS Abuse</p> <p>Revisit whether sufficiently addressed in recent ALAC Advise to Board on DNS Abuse of 26 Dec 2019.</p>
<p>9. <u>CCT Rec. 23</u></p> <p>Gather data on new gTLDs operating in highly-regulated sectors to include 5 elements (high priority for SubPro & ICANN Org)</p>	<p><i>“The recommendation is primarily focused on additional data gathering in the future and if the PDP WG is in agreement that this exercise should take place, could develop similar recommendation(s).</i></p> <p><i>To the extent that the CCT-RT has already collected data related to areas identified in the recommendation, the PDP WG could consider whether those findings might impact ongoing policy development work.</i></p> <p><i>Note: This seems to be more of a compliance activity as opposed to one that will aid in moving forward. The issue we need to decide is whether to maintain the PICs that ICANN has included for future ""sensitive"" strings. [Could provide guidance without being definitive. Could ask applicants to self-identify. If there is a panel involved, the more important that there be criteria developed.]”</i> SUBPRO WG EXPECTED TO REVISIT</p>	<p>Related to DNS Abuse</p> <p>Revisit whether sufficiently addressed in recent ALAC Advise to Board on DNS Abuse of 26 Dec 2019.</p>
<p>Position:</p>		