Review of SAC114 for CPWG

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Goal

SSAC's Role

- Focuses on matters relating to the security and integrity of the Internet's naming and address allocation systems.

- Engages in ongoing threat assessment and risk analysis to those systems; assesses where the principle threats to stability and security lie and provides advice accordingly

What is SAC114?

- SSAC's comments on the New gTLD Subsequent Procedures PDP Draft Final Report
  - High level comments, Comments on specific topics, Recommendations.

- Addressed to ICANN Board

What action should/can ALAC/At-Large take on SAC114?

SAC114 Recommendations vis a vis Provisional ALAC Advice

SSAC

Rec 1. Strategic Reflection on Overall Objectives of gTLD Expansion

- Introducing more gTLDs to root namespace is **inconsistent** with ICANN's mission to keep Internet secure, stable, interoperable.

- Inadequate learning from prior round on trade-offs re: Program benefits vs costs – "adequate learning" out of scope.

- Ref. CCTRT Final Report – challenges in ability to adequately assess extent to which expansion promoted consumer trust & effectiveness of safeguards adopted by operators in mitigating certain risks from expansion.

- **Fundamentally, how does expansion further the objective of** *"keeping the Internet secure, stable and interoperable … promot[ing] competition and develop[ing] policy on the Internet's unique identifiers"*?

SAC114 Rec 1: That ICANN Board initiate a fundamental review to determine whether continuing expansion is consistent with ICANN's strategic objective to "evolve the unique identifier systems in coordination and collaboration with relevant parties to continue to serve the global Internet user base." – in conjunction with the CCTRT recommendations – should include at least (i) impact on root server operations; (ii) impact on SSR issues; (iii) impact on overall DNS operations , (iv) Analysis of how all metrics for success were met

Rec 2. Review Prior Rounds and Set Goals for Future Rounds

- Concerns have been expressed about several issues – DNS abuse, name collisions, impact on root scaling – yet recommendations being put forward without having identified and learned key lessons from prior round – including those raised by CCTRT.

- In general, is irresponsible to proceed without completing key work to understand successes and failures of prior rounds – need objective criteria on how to judge prior round and criteria for moving forward with agreement across the community.

- Ref: Topic 7 **Metrics** – criteria needed to measure how well goals are being met during and after any future expansion – should include not only stated aspirations (i.e. increased competition, consumer trust & choice, innovation, access) but also performance, stability, security & other areas that may be affected adversely or positively.

SAC114 Rec 2: That, as part of process for creating new gTLDs, ICANN develop and adopt a protocol for measuring progress against stated goals and thresholds, which if crossed, may require mitigation actions – measurements and actions should consider the entirety of the DNS ecosystem.

ALAC

Propose to reiterate and expand on existing positions:

(1) Expansion of gTLD Namespace must be beneficial to all and must not compromise DNS stability, security & resiliency

- No rush for new round of applications - need to properly assess actual benefits of Program **beyond just general** consumer choice and DNS marketplace competition aspects.

- If a next round should proceed, important to improve application & evaluation processes **beyond merely increasing efficiency** to **consider questions around objectives, benefit(s) and fairness for non-contracted party stakeholders**, especially those who do not normally participate in ICANN's PDP. ~ ICANN Bylaws Section 1.2(a), *"…for the benefit of the Internet community as a whole …"*

- **Refer Board's attention to SAC114 Rec 1** on upholding ICANN's mission to ensure the stable and secure operation of the Internet's unique identifier systems.

- Include reference to suggestions on metrics

(2) CCTRT Recommendations related to SubPro

- CCTRT recommendations focused on 2 things: intention (goals, objectives) and data.

- Without clear, measurable objectives for new round, no way for meaningful evaluation –
  - "Creating competition" needs commitment for data from Ry and Rr to adequately measure competition
  - "Improve consumer trust" needs development of baseline metric for objective measurement.

- Asks Board to shepherd addressing deficiencies re: CCTRT Recs 14, 15, 16 (incentives for anti-abuse measures and data collection); Recs 29, 31, 32 (Applicant Support) and to consider lack of policy recommendation re Rec 12(1) (incentives to meet user expectation on TLD name-content r/s).

- CCTRT prerequisite and high priority recs to be implemented prior to launch of next round.

- **Refer Board's attention to SAC114 Rec 2**

SAC114 Recommendations vis a vis Provisional ALAC Advice

SSAC

Rec 3. DNS Abuse

- Waiting until efforts to mitigate DNS abuse can be equally applied to all existing and new gTLDs (i.e. holistic approach) effectively cedes ground to malicious actors who can depend on long PDP to hinder meaningful anti-abuse measures.

- No guarantees even with GNSO prioritizing work on this space in 2021 and SSAC's concurrent work since issue has been under consideration for over a decade without resolution – irresponsible failure if strong anti-abuse policies not enacted and enforced prior to launch of new round.

- Concerns that such failure would lead to wholesale blocking of all new TLDs introduced – a commonly proposed response, with blocking technology growing more prevalent – presents a serious threat to adoption of new TLDs, success of UA program.

- Points to SAC103 being ignored.

- Mandating use of DNSSEC and IPv6 as requirements for new gTLDs prior to 2012 round is key example of to position subsequent rounds to **compel best practices in DNS abuse mitigation**.

- Holistic approach is a fair conclusion but one of SubPro PDP's purposes was to learn from 2012 round to make better policy for future rounds **– so approach seems to have been a missed opportunity.**

SAC114 Rec 3: That ICANN Board, prior to launch of next round, commission a study of the causes of, responses to, and best practices for mitigation of DN abuse that proliferates in the new gTLD from 2012 round – should be done in conjunction with implementing relevant CCTRT recommendations – best practices should be incorporated into enforced requirements, as appropriate, for at least all future rounds.

ALAC

Propose to support SAC114 Rec 3 through inclusion in:

(3) DNS Abuse Mitigation

- SubPro WG's approach to abrogate DNS Abuse mitigation entirely to wider community effort may be seen as reasonably but we oppose this approach as SubPro WG has ancillary role to modernize contracts with Ry and Rr which served as models for revisions to existing contracts.

- New round is a carrot to bring contracted parties to negotiate improvements – absent this carrot, improvements perceived merely as expensive new regulation.

- Express support for SAC114 Rec 3 and rationale.

SAC114 Recommendations vis a vis Provisional ALAC Advice

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Rec 4. / Section 3.2.2 Universal Acceptance

Ref: SubPro Rec 11.3,

   "Applicants should be made aware of Universal Acceptance challenges in ASCII and IDN TLDs. Applicants must be given access to all applicable information about Universal Acceptance currently maintained on ICANN's Universal Acceptance Initiative page, through the Universal Acceptance Steering Groups, as well as future efforts."

- Suggests that applicants be required to submit a plan to become ready of UA within a defined time period (eg. 3 years) in order to ensure that their TLD operations conform to the principles of UA-Readiness (eg. accept IDN-based email addresses in contact data, accept new gTLD based nameservers) as found in documents at uasg.tech.

SAC114 Rec 4: *That ICANN Board take the comments in SAC114 Sections 3.1-3.3 into consideration in Board's deliberations ….*

ALAC

Propose to insert Universal Acceptance and support SAC114 Rec 4, Section 3.2.2:

(n) Universal Acceptance

- Assert the importance of Universal Acceptance Initiative in facilitating inclusion of the next billion Internet end-users – those who depend on IDNs and IDN-emails.
- UA falls more within ICANN's remit (rather than SubPro WG), so more logical to recommend that Board lead the pursuit for greater UA-adoption:
  - Adoption of UA – metric
  - Promotion of UA-readiness: encourage Ry and Rr owned by same entity to be UA-ready and include in application New gTLD process a requirement for applicants to state level of UA-readiness.
- Express support for SAC114 Rec 4, Section 3.2.2, Comment on SubPro Rec 11.3.

SAC114 Recommendations vis a vis Provisional ALAC Advice

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Rec 4. / Section 3.2.6 Security and Stability

• Notes areas that remain of concern for the stability of the DNS RZ based on 3 SubPro IGs:

[1] Ref: SubPro IG 26.5,
  "*ICANN should structure its obligations to new gTLD registries so that it can delay their addition to the RZ in case of DNS service instabilities. Objective criteria should be develop to determine what could be classified as a "service instability"."*

• While IG correctly calls for objective criteria to be developed, no guidance on who would be expected to make a call and implement corrective actions – this gap should be addressed.

[2] Ref: SubPro IG 26.6,
  "*ICANN should investigate and catalog the long term obligations for RZ operators of maintaining a larger RZ."*

• The term "obligations" is very vague; also the term "root zone operators" doesn't completely encompass the universe of entities that serve the RZ or are affected by its size – but does not offer a recommendation to fix.

[3] Ref: SubPro IG 26.8,
  "*ICANN should continue developing the monitoring and early warning capability with respect to RZ scaling."*

• OCTO-015 concluded that such a system not likely feasible – suggests that to help establish an early warning framework:
    • SSAC will offer separate comment;
    • RSSAC may also issue advice when it completes investigation on what failure of the RSS might look like and ways to detect such failure.

SAC114 Rec 4: *That ICANN Board take the comments in SAC114 Sections 3.1-3.3 into consideration in Board's deliberations ….*

ALAC

For Discussion

• We did not have the effective benefit of this SSAC written perspective when we submitted both comments to the SubPro Draft Final Report or the ALAC Statement for inclusion in the SubPro Final Report.

• Question for CPWG –
    1. Do we now raise to the Board's attention, SSAC's comments in SAC114 Rec 4, Section 3.2.6, in respect of SubPro IG 26.5, 26.6 and 26.8; or
    2. Determine that no further action is needed?

SAC114 Recommendations vis a vis Provisional ALAC Advice

SSAC

Rec 6. String Similarity: Singulars/Plurals of TLDs

• Ref: SubPro Rec 24.3,

"*The Working Group recommends updating the standards of …(b) similarity for purposes of determining string contention, to address singular and plural versions of the same word …. Specifically, the Working Group recommends prohibiting plurals and singulars of the same word within the same language/script in order to reduce the risk of consumer confusion ….Applications will not automatically be placed in the same contention set because they appear visually to be a single and plural of one another but have different intended uses. For example, .SPRING and .SPRINGS could both be allowed if one refers to the season and the other refers to elastic objects, because they are not singular and plural versions of the same word …..*"

• Grave danger in adopting "intended use" as a defining characteristic for placement in the same contention set or not –

1. SAC103 – RFC5894: a string has no context on its own prior to delegation, and while an applicant may have a particular context in mind, there is no guarantee that context will prevail indefinitely in practice – also questionable whether a majority of registrants or internet users will apply that same context, could cause confusion and usability issues.

2. An application's intended use can change significantly over time – either by the operator, or simply how the TLD strings were used by its SLD registrants. Eg: .pro TLD's original intended use was for "professional" community, but now operates similarly to any unrestricted gTLD.

3. Points 1 and 2 open the door for gaming – an applicant applies with an intended use in mind that differs from the stated purpose, in order to obtain preferential treatment based on the criteria, then relax or change the restrictions post delegation citing a panoply or reasons.

SAC114 Rec 6: *That the words "intended use" be removed as a defining characteristic to determine whether or not applications should be placed in the same contention set.*

ALAC

For Discussion

• We did not have the effective benefit of this SSAC written perspective when we submitted both comments to the SubPro Draft Final Report or the ALAC Statement for inclusion in the SubPro Final Report.

• SubPro WG dealt with this issue by recommending the **inclusion of a mandatory Public Interest Commitment** vide SubPro Rec 24.5,

"*If 2 applications are submitted during the same applications window for strings that create the probability of a user assuming that they are single and plural versions of the same word, but the applicants intend to use the strings in connection with 2 different meanings, the applications will only be able to proceed if the applicants agree to the inclusion of a mandatory PIC in the RAs. The mandatory PIC must include a commitment by the registry to use the TLD in line with the intended use in the application, and must also include a commitment by the registry that it will require registrants to use domains under the TLD in line with the intended use stated in the application.*"

• Question for CPWG –

1. Do we continue to accede to the use of PIC as a satisfactory way to regulate this particular singular-plural tussle; or

2. Do we want to reconsider our position and align with SSAC?

SAC114 Recommendations vis a vis Provisional ALAC Advice

SSAC

Rec 7. Name Collision

- Ref: SubPro Aff 29.2,
  "*The Working Group affirms continued use of the New gTLD Collision Occurrence Management framework unless and until the ICANN Board adopts a new mitigation framework. This includes not changing the controlled interruption duration and the required readiness for human-life threatening conditions for currently delegated gTLDs and future new gTLDs.*"

- Disagree with Aff 29.2 as it suggests we already know everything we need to know and therefore a new gTLD round could proceed according to the current Name Collision Occurrence Management Framework.

- Reported multiple times – SAC062, SAC066, SAC090 – issues to be considered, should study 2012 round and ensure a framework is thorough, complete, and balanced, and is developed and deployed before a new round results in new TLDs being added to RZ – why ICANN Board has launched the NCAP to obtain guidance on how to proceed.

- Ref: SubPro IG 29.5,
  "*The ICANN community should develop name collision risk criteria and a test to provide information to an applicant for any given string after the application window closes so that the applicant can determine if they should move forward with evaluation.*"

- Disagree with specific assignment of responsibility to the "ICANN Community" – work is already properly included in the Name Collision Analysis Project (NCAP), assignment should be more generally to ICANN, so proper assignment of work can be made when it is deployed.

SAC114 Rec 7: *That ICANN Board, prior to authorizing the addition of new gTLDs, to the root zone, receive and consider the results of the Name Collision Analysis Project, pursuant to Board Resolution 2017.11.02.30.*

ALAC

Propose including a reference to SAC114 Rec 7 in:

(5) Name Collision

- Continue to advocate for the results NCAP (Studies 2 and 3) to be taken into consideration – that recommendations out of NCAP be implemented prior to launch of next round or if NCAP isn't completed then, that delegation of applied-for strings posing name collision risk be withheld until NCAP recommendations are addressed in implemented retrospectively for next round.
  - Join in SAC114 Rec 7