

ICANN
POLICY FORUM

74

THE HAGUE

GNSO Council DNS Abuse Small Team

Progress Update/Working Session

ICANN74 Session | 16 June 2022



Virtual Participants

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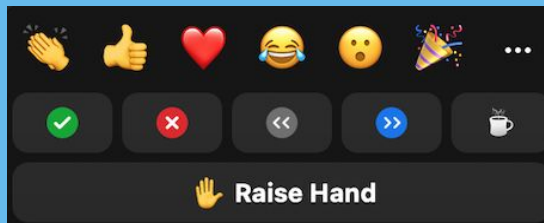
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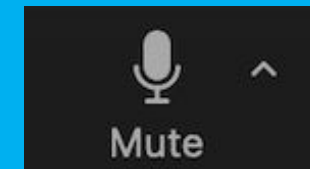
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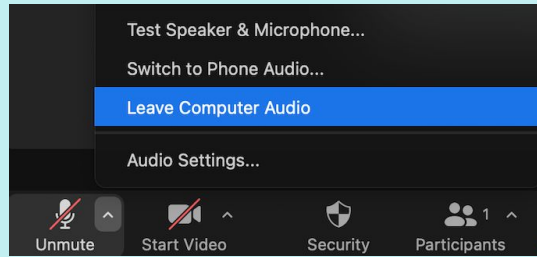
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On-Site/In-Room Participants

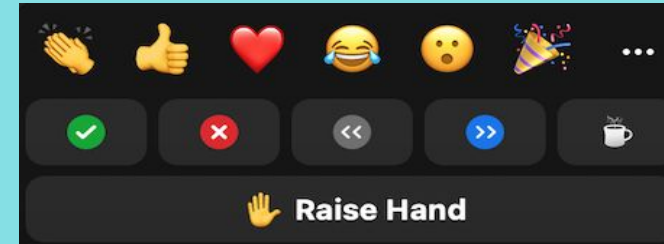
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Agenda

1. Welcome and Opening Remarks (5 min)
2. Progress Update (25 min)
3. Working Session - Continued Review of Community Input (25 min)
4. AOB (5 min)

Small Team Progress Update

What Is the Purpose of the Small Team?

Problem Statement/Assignment from Assignment Form:

- ❑ “...the small team is expected to **consider what policy efforts, if any, the GNSO Council should consider undertaking** to support the efforts already underway in the different parts of the community to tackle DNS abuse.”
- ❑ “An important element in considering whether policy work is needed is to better understand **what “tackling DNS abuse” means, as there is unlikely to be a common understanding across the community, and what constitutes DNS abuse being “addressed.”**”

Assumption for the assignment: With the numerous aspects of DNS abuse and the multitude of actors that might be best positioned to mitigate the various forms, policy development is not a given.

Why Is This Work Important to the GNSO Council?

- ▲ The DBS abuse topic was referred to the GNSO Council by the SubPro PDP, as the topic is relevant to all gTLDs. In addition, the Council recognizes how important the topic is across the community.
- ▲ With the number of different aspects/types of DNS abuse and actors involved (e.g., other than contracted parties), it is critical to understand which aspects are **specifically suited for resolution via policy development**, if any.
- ▲ Results driven approach: DNS abuse is often talked about as an issue that “must be addressed” **which is imprecise in both defining the problem, as well as how the problem can be addressed**. The small team is helping to identify the specifics.

How Has the Small Team Approached This Work?

To better understand whether policy development may be needed, the team needed to gather information. Approached the task from two angles:

1. Perform outreach to the community to gain their input on which elements of DNS abuse are best mitigated specifically through policy development.
2. Gain a better understanding of DNS abuse related contractual obligations and ICANN Compliance enforcement of the contracts.

Expected impact from 1 and 2 above:

1. Help to **serve as a forum** for the community to give **careful thought about DNS abuse and if/how it fits into policy development**.
2. Gain a better understand the **DNS abuse related provisions** in the RA/RAA, **how enforcement takes place** (including what can trigger enforcement), **data and metrics** for enforcement, and whether there are **challenges in enforcing** the contracts.

Task 1 - Seeking Community Input

- ❑ Outreach to ALAC, GAC, SSAC, DNS Abuse Institute, all GNSO SG/Cs - asked **which elements of DNS abuse they believe are specifically suited for policy development**, if any.
 - ❑ Also asked about expected outcomes and next steps for the issues identified.
- ❑ Received input from DNSAI, SSAC, ALAC, GAC, RrSG, RySG, BC and NCSG
- ❑ Group carefully considered through the lens of: whether the issues are within the **remit of ICANN**; within the **remit of GNSO policy-making**; whether policy-making **might result in new Consensus Policies**; expected **impact** on the issue; whether the issue **already addressed elsewhere** in the community.

Task 1 - Seeking Community Input, cont.

Although the small team has not drawn any conclusions yet, at a high level, input reflected the following:

- ❑ Most/all recognised the importance of this topic.
- ❑ Several respondents feel that policy development is not necessary **at this stage**, given the numerous other efforts ongoing in the community. Some believe that policy development may even distract from those ongoing efforts.
- ❑ Others noted that focusing on **maliciously registered** domain names, used for the distribution of malware, phishing, or botnets, via a **narrowly focused PDP (or narrow phases of a PDP)**, could deliver results more quickly.
- ❑ Others pointed to **non-policy development activities** that could be explored.

Generally agreed that even if a PDP is needed, care should be taken to avoid distracting/contradicting ongoing work in the community.

Task 2 - Understanding Contracts & Compliance

- ❑ Reached out to ICANN Compliance to better understand the **DNS abuse related provisions in the RA/RAA, how enforcement** takes place (including what can **trigger enforcement**), **data and metrics** for enforcement, and whether there are **challenges** in enforcing the contracts.
- ❑ ICANN Compliance provided written responses to the small team.
 - ❑ Identified provisions in RA/RAA; described complaint review process and identified triggers for complaints; provided metrics; described factors for reviewing complaints; stated that Compliance is **not challenged in being able to enforce the contracts as written**.

Disclaimer: Answers from ICANN Compliance should be allowed to speak from themselves rather than be interpreted or mischaracterized inadvertently by the small team.

Task 2 - Understanding Contracts & Compliance, cont.

After additional dialogue with ICANN Compliance:

- ❑ Validated that for a given malicious domain name (e.g., botnet, phishing), enforcement is largely **procedurally based**, and **dependent upon the registrar's specific domain name use and abuse policies**.
- ❑ If ICANN Compliance discovered or were informed of a **specific malicious domain name**, that information could be **one important factor** that Compliance uses in studying the facts of a particular case. And would again be **context-based and relative** to the registrar's domain name use and abuse policies.
- ❑ If the community is of the view that the **current requirements** should be **interpreted differently**, this might **need to be translated into specific changes to the requirements that would allow for such an interpretation (e.g., policy development or contractual changes)**.

** Same disclaimer about speaking on behalf of ICANN Compliance...*

Next Steps for the Small Team

The small team paused its review of the community input as it sought more information from ICANN Compliance.

- ❑ After a first pass of the input received, and now receiving additional information from ICANN Compliance on current requirements and enforcement, the small team can pursue further review of the community input received.
- ❑ Preliminarily, the small team has seen concerns and/or solutions can fall into at least three buckets: possibly requiring **policy development**, to be shared with the **community for consideration** outside of policy development, to be considered by the **Contracted-Parties House** (e.g., contract negotiations).
- ❑ As such, the small team may make recommendations to Council beyond whether or not policy development is needed (and on what DNS abuse elements). Of course, executing on next steps are ultimately up to the GNSO Council.

Potentially Three Buckets For DNS Abuse Topics

Policy
Development?

Suggestions
for contractual
negotiations?

Community
outreach /
information
sharing?

Working Session