

GNSO COUNCIL SMALL TEAM – WORK ASSIGNMENT OVERVIEW

Subject	DNS abuse
Background	<p>The topic of DNS abuse is a longstanding topic and the GNSO has undertaken a variety of activities on this topic in the past, including considering which aspects of the subject of registration abuse are within ICANN's mission to address and in particular, which are appropriate for ICANN to establish policies that are binding on gTLD registry operators and ICANN-accredited registrars¹.</p> <p>While seeking to ensure that some of the past work is identified and recognized, this briefing paper will concentrate on more recent discussions which have seen calls from various parts of the community to do more to tackle DNS abuse. Here is a recollection of some of that recent work and discussion:</p> <ul style="list-style-type: none"> • The Competition, Consumer Trust & Consumer Choice Review Team's (CCT-RT) Final Report included three recommendations (14, 15, and 16) related to DNS abuse². • The New gTLD Subsequent Procedures PDP, in considering the topic of DNS abuse and taking into account the recommendations from the CCT-RT, achieved consensus on recommendation 9.15 in its Final Report, which in summary stated that a solution that is inclusive of all gTLDs, and not just new gTLDs, is needed; accordingly, no substantive recommendation was made. The PDP communicated this potential outcome to the GNSO Council in advance of the Final Report³. • As part of an educational and level-setting exercise, the GNSO Council invited the Contracted Parties House DNS Abuse Group to provide an update on its work and to facilitate a discussion on the topic. This discussion took place during the Council's 22 April 2021 Council meeting. • As a next step in the educational and level-setting exercise, the GNSO Council invited SSAC members to provide a briefing on SAC115 in May of 2021. • DNS abuse has been a topic of discussion during ICANN meetings for several years now. Several of these discussions focused on establishing a common definition of DNS abuse. Most recently at ICANN72, the topic was discussed by various community groups. In advance of ICANN72, the ICANN Board hosted an informational session to “engage directly with various experts as it continues to formulate its views on what are the appropriate roles and responsibilities for ICANN in mitigating DNS abuse.” The topic of DNS abuse will be discussed as a plenary topic at ICANN73. • Contracted Parties have been actively engaged in a number of activities including the development of a guide to report DNS abuse as well as the development and promotion

¹ Some past work includes:

- Registration Abuse Policies WG Final Report from 2010: <https://gns0.icann.org/issues/rap/rap-wg-final-report-29may10-en.pdf> (some, but not all recommendations adopted)
- Staff best practices discussion paper from 2011: https://gns0.icann.org/sites/default/files/filefield_26745/discussion-paper-rap-best-practices-28sep11-en.pdf
- Uniformity of Contracts to Address Registration Abuse Final Issue Report 2012: <https://gns0.icann.org/en/issues/registration-abuse/uofc-final-issue-report-20sep12-en.pdf> (Final Issue Report, but not sufficient support to initiate a PDP at the time)

² Note, recommendations 14 and 15 remain in a pending state. Recommendation 16 was approved in October 2020.

³ See letter from the co-chairs to the GNSO Chair: <https://gns0.icann.org/sites/default/files/file/field-file-attach/neuman-langdon-orr-to-drazek-27apr20-en.pdf>

	<p>of best practices to tackle DNS abuse (see for example here). They have also published a “Guide to abuse reporting” that is intended to better support reports of DNS abuse.</p> <ul style="list-style-type: none"> • During the GNSO Council’s Wrap-up session, the Council agreed to establish a small team on DNS abuse to consider what next steps, if any, the GNSO Council should consider to address DNS abuse.
Assignment	<ul style="list-style-type: none"> • As the topic of DNS abuse can be quite broad, depending on the definition that is applied, not all aspects of DNS abuse are considered to be within ICANN’s and the GNSO’s policy making remit. Similarly, depending on the type of abuse, it may not always be Contracted Parties who are in the best position to mitigate harms – others in the Internet eco system may play an equal or more important role. As a result, 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.” • Should the small team recommend the initiation of policy work, it is worth noting that although Consensus Policies are one possible outcome of a Policy Development Process, other outcomes are equally possible and acceptable (see section 10 of the PDP Manual). • Considering the current workload as well as other ongoing activities in this area, if the small team recommends further policy work by the Council it must articulate what specific problems this policy work is expected to specifically address and how it intersects with other ongoing activities. If no further policy work is recommended at this stage, the small team is expected to indicate whether there are any triggering events that could or should result in a reconsideration of this recommendation. • <i>However</i>, if the small team is not yet in a position to make a determination if policy work is needed and is instead of the view that further scoping of the topic is needed before a determination can be made on appropriate next steps, if any, it should develop the instructions for such a scoping team, factoring in the work that has already been undertaken through above mentioned initiatives to define and scope the topic of DNS abuse. • As part of its assignment, the small team may reach out to others in the community that have been vocal on the topic (such as the Governmental Advisory Committee and the recently established DNS Abuse Institute) to better understand what its expectations are of the GNSO and if/how it expects further policy work to contribute (or not) to the already ongoing initiatives.
Timing	<p>Undetermined - The small team shall consider what next step(s) are most feasible and shall inform the Council of anticipated timing. The small team shall not take more than 2 months from convening to provide an update to the Council, including anticipated outcomes and timing expectations.</p>
Members	<p>Greg DiBiase (RrSG) Mark Datysgeld (BC) Maxim Alzoba (RySG) Sebastien Ducos (RySG) Thomas Rickert (ISPCP) Wisdom Donkor (NCSG)</p>

Documents

See background section and associated footnotes

Notes

See background section

Next Steps

- Staff support team to create inventory of past and recent GNSO / ICANN initiatives to address DNS Abuse
- Convene a meeting of the small team to consider the assignment.