

# Review of current status of draft report recommendations

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# Review of current status of draft report recommendations

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## Recommendations format

**Recommendation #:**

**Rationale/related findings:**

**To:**

**Prerequisite or Priority Level\*:**

**Consensus within team:**

**Details:**

**Success Measures:**

***\*Prerequisite or Priority Level:** Per the ICANN Bylaws, the CCT Review Team indicated whether each recommendation must be implemented prior to the launch of subsequent procedures for new gTLDs. The Review Team agreed that those recommendations that were not categorized as prerequisites would be given a time-bound priority level:*

***High priority:** Must be implemented within 18 months of the issuance of a final report*

***Medium priority:** Must be implemented with 36 months of the issuance of a final report*

***Low priority:** Must be implemented prior to the start of the next CCT Review*

# Review of current status of draft report recommendations

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## Relevant questions to ask yourself when updating recommendations

### **Recommendation:**

- What observed fact-based issue is the recommendation intending to solve? What is the “problem statement”?
- What is the intent of the recommendation?
- How significant would the impact be if not addressed?

### **Rationale/related findings:**

- What are the findings that support the recommendation?

### **To:**

- Does this recommendation require new policies to be adopted? If yes, what stakeholders need to be engaged in the policy development process to support successful implementation of this recommendation?
- Who are the (responsible) parties that need to be involved in the implementation work for this recommendation? Community? ICANN org? Board? All?
- Is related work already underway? If so, what is it and who is carrying it out?

# Review of current status of draft report recommendations

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## **Prerequisite or Priority Level:**

- What is the target for a successful implementation?
- Is the recommendation aligned with ICANN's strategic plan and ICANN mission? If yes, how?

## **Success Measures:**

- What outcome is the Review Team seeking? How will the effectiveness of implemented improvements be measured? What is the target for a successful implementation?

## **Consolidation/Updates:**

- If only 5 recommendations can be implemented due to community bandwidth and other resource constraints, would this recommendation be one of the top 5? Why or why not?

**Recommendation:** Formalize and promote ongoing data collection.

**Rationale/related findings:** The lack of data has handicapped attempts both internally and externally to evaluate market trends and the success of policy recommendations.

**To:** ICANN Organization

**Prerequisite or Priority Level :** High

**Consensus within team:** Yes

**Details:** ICANN should establish a formal initiative, perhaps including a dedicated data scientist, to facilitate quantitative analysis, by staff, contractors and the community, of the domain name market and, where possible, the outcomes of policy implementation. This department should be directed and empowered to identify and either collect or acquire datasets relevant to the objectives set out in strategic plans, and analysis and recommendations coming from review teams and working groups.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in continuous improvement of ICANN operations.

# Rec. 1

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## **ICANN Org public comment:**

- CCTRT to specify how ICANN organization currently serves the community's needs for data and research so that ICANN organization can address them appropriately.

**Recommendation:** Formalize and promote ongoing data collection.

**Rationale/related findings:** The lack of data has handicapped attempts both internally and externally to evaluate market trends and the success of policy recommendations.

**To:** ICANN organization

**Prerequisite or Priority Level :** High

**Consensus within team:** Yes

**Details:** In an effort to promote more objective policy development inside ICANN, the ICANN organization should establish a formal initiative, perhaps including a dedicated data scientist, to facilitate quantitative analysis by staff, contractors and the the community, of policy initiatives and review. Specifically, where possible, ICANN staff should proactively collect data needed to validate or invalidate policy initiatives (whether ICANN org or community driven), identify and collect data necessary to measure program success, both incrementally and in retrospect. On a case by case basis, this initiative would help to ascertain the cost/benefit and security requirements for the data in question.

**Success Measures:** The ability for the community to determine, through review process, if policy initiatives had well defined issue measurement to justify reform and facilitate review.

**Recommendation:** Collect wholesale pricing for legacy gTLDs.

**Rationale/related findings:** The lack of wholesale data will continue to frustrate future CCT Review Teams' efforts to analyze competition between new and legacy gTLDs in the domain marketplace.

**To:** ICANN organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** Yes

**Details:** ICANN or an outside contractor should acquire wholesale price information from both legacy and new gTLD registries on a regular basis and provide necessary assurances that the data would be treated on a confidential basis. The data could then be used for analytic purposes by the ICANN organization and by others that execute non-disclosure agreements. This may require amendment to the Base Registry Agreement for legacy gTLDs.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.



# Rec. 2

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- CCTRT to specify from which party the data should be collected.
- CCTRT to clarify how these recommendations align with the gTLD Marketplace Index effort.

**Recommendation:** Collect wholesale pricing for legacy gTLDs.

**Rationale/related findings:** The lack of data from legacy gTLDs and transactional data will continue to hinder future CCT Review Teams' efforts to analyze competition between registries in the domain marketplace. In particular, the review team was unable to determine whether wholesale prices charged by legacy gTLDs had declined as a result of increased competition due to the introduction of new gTLDs.

**To:** ICANN organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** TBC

**Details:** Expanding on the existing model of using an outside contractor to perform existing studies, ICANN should work with an appropriate contractor and registry operators to acquire wholesale price information from both legacy and new gTLD registries on a regular basis, including at least a sample of transactional data. Transactional data is essential to allow analysis of the cost of similar strings across TLDs, and to understand the role of promotional pricing by registries. ADue to the sensitive nature of this data, ICANN and its contractors should provide strong assurances that the data would be treated on a confidential basis, including collecting the data under a nondisclosure agreement. In the event that ICANN and its contractors are unable to establish a voluntary framework for sharing this information, this may require amendment to the Base Registry Agreement for legacy gTLDs.

**Success Measures:** The ability for a third party economic study to establish a meaningful understanding of (1) wholesale pricing in legacy gTLDs, (2) the role of promotional pricing in the marketplace, and (3) the value of individual second level labels across various TLDs.

**Recommendation:** Collect transactional pricing for the gTLD marketplace.

**Rationale/related findings:** The lack of transactional data will continue to frustrate future CCT Review Teams' efforts to analyze competition between registries in the domain marketplace.

**To:** ICANN organization

**Prerequisite or Priority Level:** Medium

**Consensus within team:** Yes

**Details:** ICANN or an outside contractor should attempt to acquire at least some samples of wholesale price information from registries on a regular basis and provide necessary assurances that the data would be treated on a confidential basis. The data could then be used for analytic purposes by the ICANN organization and by others that execute non-disclosure agreements.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

# Rec. 3

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- CCTRT to specify from which party the data should be collected.
- CCTRT to clarify how these recommendations align with the gTLD Marketplace Index effort.

**Recommendation:** Collect transactional pricing for the gTLD marketplace.

**Rationale/related findings:** The lack of transactional data will continue to **hinder** future CCT Review Teams' efforts to analyze competition between registries in the domain marketplace. **Although ICANN was able to obtain base wholesale prices from registries, individual domain transactions are often sold at either a significant discount as part of promotional campaigns, or at a significantly higher price than the baseline price for certain premium domains. For some TLDs, the Review Team believes that a large fraction (even a substantial majority) of domains were been sold at discounted prices. Therefore, any pricing analysis based solely on the base wholesale price is unlikely to correctly capture the competitive dynamics in the marketplace.**

**To:** ICANN organization

**Prerequisite or Priority Level:** Medium

**Consensus within team:** TBC

**Details:** ICANN or an outside contractor should attempt to acquire at least some samples of wholesale price information from registries on a regular basis and provide necessary assurances that the data would be treated on a confidential basis. The data could then be used for analytic purposes by the ICANN organization and by others that execute non-disclosure agreements.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

**Recommendation:** Collect retail pricing for the domain marketplace.

**Rationale/related findings:** ICANN does not currently make use of retail price data that can be obtained directly from public sources such as <https://tld-list.com/> and <https://namestat.org>. We recommend that ICANN develop the capability to analyze these data on an ongoing basis. Alternatively, an amendment to the Registrar Accreditation Agreement would ensure the availability of this data with all due diligence to protect competitive information.

**To:** ICANN Organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** Yes

**Details:** ICANN does not currently make use of retail price data that can be obtained directly from public sources such as <https://tld-list.com/> and <https://namestat.org>. We recommend that ICANN develop the capability to analyze these data on an ongoing basis. Alternatively, an amendment to the Registrar Accreditation Agreement would ensure the availability of this data with all due diligence to protect competitive information.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

# Rec. 4

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- CCTRT to specify from which party the data should be collected.
- CCTRT to clarify how these recommendations align with the gTLD Marketplace Index effort.

**Recommendation:** Collect retail pricing for the domain marketplace.

**Rationale/related findings:** The lack of retail data will continue to **hinder** future CCT Review Teams' efforts to analyze competition between registries and TLDs in the domain marketplace. **One of the anticipated benefits of increased competition from the introduction of new gTLDs would be lower prices for domain names to registrants. Prices charged by registrars to registrants are the best indicator of this potential consumer benefit. In addition, retail prices offered to the public will generally be accessible through registrars' public websites and will not require additional disclosures to ICANN by contracted parties. (Note that some registrars, such as those providing corporate/brand protection services, do not publish their prices and therefore would not be represented in a survey of publicly available prices.)**

**To:** ICANN Organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** TBC

**Details:** ICANN does not currently make use of retail price data that can be obtained directly from public sources such as <https://tld-list.com/> and <https://namestat.org>. We recommend that ICANN develop the capability to analyze these data on an ongoing basis. Alternatively, an amendment to the Registrar Accreditation Agreement would ensure the availability of this data with all due diligence to protect competitive information.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.



**Recommendation:** Collect parking data

**Rationale/related findings:** The high incidence of parked domains suggests an impact on the competitive landscape, but insufficient data frustrates efforts to analyze this impact.

**To:** ICANN organization

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** ICANN should regularly track the proportion of TLDs that are parked with sufficient granularity to identify trends on a regional and global basis.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

# Rec. 5

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- CCTRT to clarify what analyses will be performed on the data collected.
- CCTRT to clarify how these recommendations align with the gTLD Marketplace Index effort.

**Recommendation:** Collect parking data

**Rationale/related findings:** The high incidence of parked domains suggests an impact on the competitive landscape, but insufficient data frustrates efforts to analyze this impact. **The Review Team was able to obtain a point-in-time snapshot of legacy gTLD parking rates, but a more robust analysis of the impact of parking on the gTLD marketplace would require both trend data over time as well as further study of the impact of parking on the marketplace, such as the influence on renewal rates.**

**To:** ICANN organization

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** ICANN should regularly track the proportion of TLDs that are parked with sufficient granularity to identify trends on a regional and global basis. **Future reviews should conduct further analyses of whether there is a correlation between parked domains and renewal rates or other factors that may affect competition. Further analysis should be performed on the relationship between parking and DNS abuse.**

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

**Recommendation:** Collect secondary market data

**Rationale/related findings:** The presence of price caps in certain TLDs frustrates efforts to comprehensively analysis competitive effects. The true market price may very well be above the caps. Accordingly, the secondary market is the best place to see price movement.

**To:** ICANN organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** ICANN should engage with the secondary market community to better understand pricing trends.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

# Rec. 6

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- CCTRT to specify from which party the data should be collected.
- CCTRT to clarify how these recommendations align with the gTLD Marketplace Index effort.

**Recommendation:** Collect secondary market data

**Rationale/related findings:** The presence of price caps in certain TLDs **hinders** efforts to comprehensively analysis competitive effects. The true market price may very well be above the caps. Accordingly, the secondary market is the best place to see price movement. **(Megan to update)**

**To:** ICANN organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** TBC

**Details:** ICANN should engage with the secondary market community to better understand pricing trends.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

**Recommendation:** Collect TLD sales at a country-by-country level.

**Rationale/related findings:** The lack of country-level data will continue to frustrate future CCT Review Teams' efforts to analyze competition between registries and TLDs in the domain marketplace. In particular, the lack of country-specific data frustrates efforts to understand the competition between gTLDs and ccTLDs.

**To:** ICANN organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** Yes

**Details:** Some of this data is collected by third parties such as CENTR, so it is possible that ICANN can arrange to acquire the data.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

# Rec. 7

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## **ICANN Org public comment:**

- Specify what is meant by sales data, and the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.



**Recommendation:** Create, support and/or partner with mechanisms and entities involved with the collection of TLD sales data at the country-by country level.

**Rationale/related findings:** The lack of country-level data will continue to frustrate future CCT Review Teams' efforts to analyze competition between registries and TLDs in the domain marketplace. ccTLD data, which is useful in understanding the overall TLD marketplace, is particularly hard to come by.

**To:** ICANN organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** Some regional organizations such as CENTR, AFTLD and APTLD are already engaged in data collection and statistical research initiatives. ICANN should strive to partner with these organizations and explore ways in which it can enhance the capacities of these organizations so that their output is geared to ICANN's data requirements. ICANN should also seek to promote the ability of these disparate organizations to coordinate their efforts in areas such as standardization of research and methodology, so that their data is comparable. The regional initiatives that ICANN has already undertaken, such as the LAC and MEA DNS Marketplace studies, should be undertaken at regular periods, as they too provide invaluable country-level and regional data.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

# Rec. 8

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- CCTRT to clarify the implementation timing of the recommendation (prerequisite does not align with the intended use)
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- CCTRT to clarify how these recommendations align with the gTLD Marketplace Index effort.

**Recommendation:** Partner with mechanisms and entities involved with the collection of TLD data. As feasible, collect TLD registration number data per TLD and registrar at a country-by-country level in order to perform analysis based on the same methods used in the LAC study (1).

**Rationale/related findings:** The lack of country-level data will continue to frustrate future CCT Review Teams' efforts to analyze competition between registries and TLDs in the domain marketplace. In particular, the lack of country-specific data frustrates efforts to understand the competition between gTLDs and ccTLDs. ccTLD data, which is useful in understanding the overall TLD marketplace, is particularly hard to come by.

**To:** ICANN Organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** TBC

**Details:** Some of this data is collected by third parties such as CENTR, so it is possible that ICANN can arrange to acquire the data.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

**Recommendation:** Conduct periodic surveys of registrants.

**Rationale/related findings:** The inability to determine registrant motivations and behavior frustrates efforts to study competition and choice in the TLD marketplace.

**To:** ICANN organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** The survey should be designed and continuously improved to collect registrant trends. Some initial thoughts on potential questions is in Appendix F: Possible Questions for a Future Consumer Survey.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

# Rec. 9

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- CCTRT to clarify how registrants' preferences for particular TLDs inform the extent to which the expansion of gTLDs has promoted competition, consumer trust and consumer choice.
- CCTRT to clarify how these recommendations align with the gTLD Marketplace Index effort.

**Recommendation:** Conduct periodic surveys of registrants.

**Rationale/related findings:** The inability to determine registrant motivations and behavior frustrates efforts to study competition and choice in the TLD marketplace.

**To:** ICANN organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** TBC

**Details:** The survey should be designed and continuously improved to collect registrant trends. Some initial thoughts on potential questions is in Appendix F: Possible Questions for a Future Consumer Survey. The cost of the Registrant Survey is estimated by ICANN Organization at USD 150,000 and 0.5 FTE for each iteration of the report. To expand the benefit ICANN org recommends leveraging and aligning the survey with the requirements of the gTLD Marketplace.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

**Recommendation:** The ICANN community should consider whether the costs related to defensive registration for the small number of brands registering a large number of domains can be reduced.

**Rationale/related findings:** We found that while most trademarks were either not registered in new gTLDs or in only a handful of new gTLDs, a small number of trademarks were responsible for a large number of registrations across many new gTLDs and were likely bearing most of the cost of registrations. This bimodal distribution suggests that RPMs tailored to certain of these trademarks may be appropriate.

**To:** Subsequent Procedures Policy Development Process (PDP) Working Group and/or Rights Protection Mechanisms (RPM)PDP Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 10

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**ICANN Org public comment:**

- None



**Recommendation:** The ICANN community should consider whether the costs related to defensive registration for the small number of brands registering a large number of domains can be reduced.

**Rationale/related findings:** We found that while most trademarks were either not registered in new gTLDs or in only a handful of new gTLDs, a small number of trademarks were responsible for a large number of registrations across many new gTLDs and were likely bearing most of the cost of registrations. This bimodal distribution suggests that RPMs tailored to certain of these trademarks may be appropriate.

**To:** Subsequent Procedures Policy Development Process (PDP) Working Group and/or Rights Protection Mechanisms (RPM)PDP Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** The review team does not suggest a specific mechanism. However, we believe the uneven distribution of costs of defensive registrations to a small number of trademark holders may be an unanticipated effect of the current RPM regime and that the relevant PDP(s) should therefore consider whether those costs can be lowered without impacting the benefits of the new gTLD program, therefore improving the overall cost/benefit ratio of the overall program.

**Success Measures:** A reduction in the number of overall number of defensive registrations overall, and in particular a reduction in the number of defensive registrations per trademark by the registrants with the most defensive registrations.

**Recommendation:** The next consumer end-user and registrant surveys to be carried out should include questions to solicit additional information on the benefits of the expanded number, availability and specificity of new gTLDs.

In particular, for any future consumer end-user surveys, a relative weighting of the positive contributions to consumer choice with respect to geographic name gTLDs, specific sector gTLDs and Internationalized Domain Name (IDN) gTLDs should help determine whether there is a clear preference by consumers for different types of gTLDs and whether there are regional differences or similarities in their preferences.

The next consumer end-user survey should also include further questions about whether confusion has been created for consumers in expanding the number and type of gTLDs, how they navigate to websites and if the nature and manner of search has an impact on confusion (positive, negative or indifferent).

For registrants, it will be important to gather further data on the geographic distribution of gTLD registrants and the services provided to them by registrars, particularly in different regions, including languages offered for service interactions and locations beyond the primary offices.

The next CCT review would then be able to assess in more detail these aspects, by which time there should be more data and a longer history of experience with the new gTLDs, and in particular with those in languages other than English and those using non-Latin scripts.

**Rationale/related findings:** The absence of data related to consumer confusion means that it is difficult to determine whether consumer confusion arises as a result of the sheer number and variety of TLDs available or whether the benefits of increased consumer choice may have been offset by any possible increase in confusion. The next CCT Review should have this data available before the start of the review to ensure that nothing has been missed and that if any possible constraints or confusions exist, they can be addressed in the future.

**To:** Next CCT Review and ICANN organization

**Details:** (none)

**Prerequisite or Priority Level:** Low

**Success Measures:** (none)

**Consensus within team:** TB

# Rec. 11

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## **ICANN Org public comment:**

- Specify what is expected of ICANN organization and each of the stakeholders.
- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- CCTRT to clarify how registrants' preferences for particular TLDs inform the extent to which the expansion of gTLDs has promoted competition, consumer trust and consumer choice.
- CCTRT to clarify how these recommendations align with the gTLD Marketplace Index effort.

**Recommendation:** The next consumer end-user and registrant surveys to be carried out should include questions to solicit additional information on the benefits of the expanded number, availability and specificity of new gTLDs.

In particular, for any future consumer end-user surveys, a relative weighting of the positive contributions to consumer choice with respect to geographic name gTLDs, specific sector gTLDs and Internationalized Domain Name (IDN) gTLDs should help determine whether there is a clear preference by consumers for different types of gTLDs and whether there are regional differences or similarities in their preferences.

The next consumer end-user survey should also include further questions about whether confusion has been created for consumers in expanding the number and type of gTLDs, how they navigate to websites and if the nature and manner of search has an impact on confusion (positive, negative or indifferent).

For registrants, it will be important to gather further data on the geographic distribution of gTLD registrants and the services provided to them by registrars, particularly in different regions, including languages offered for service interactions and locations beyond the primary offices.

The next CCT review would then be able to assess in more detail these aspects, by which time there should be more data and a longer history of experience with the new gTLDs, and in particular with those in languages other than English and those using non-Latin scripts.

**Rationale/related findings:** The absence of data related to consumer confusion means that it is difficult to determine whether consumer confusion arises as a result of the sheer number and variety of TLDs available or whether the benefits of increased consumer choice may have been offset by any possible increase in confusion. The next CCT Review should have this data available before the start of the review to ensure that nothing has been missed and that if any possible constraints or confusions exist, they can be addressed in the future.

**To:** Next CCT Review and ICANN organization

**Details:** (none)

**Prerequisite or Priority Level:** Low

**Success Measures:** (none)

**Consensus within team:** TBC

Megan to update recommendation and rationale

**Recommendation:** Collection and processing personal data should be more strictly regulated within rules which are mandatory for all gTLD registries. Registries should not be allowed to share personal data with third parties without consent of that person or under circumstances defined by applicable law. Also, it is necessary to be aware of new European personal data regulation – the General Data Protection Regulation (GDPR) – especially on issues such as the possible applicability of the regulation and “right to be forgotten.”

**Rationale/related findings:** As mentioned above, the policies of the top 30 new gTLDs have rules regarding sharing of personal data of its registrants with third parties. Furthermore, some of those policies have very clear statements that registries have the right to share or sell personal data.

**To:** ICANN organization

**Prerequisite or Priority Level:** Medium

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 12

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## **ICANN Org public comment:**

- Specify what is expected of ICANN organization

**Recommendation:** The GNSO should initiate a new Policy Development Process to create a consistent privacy baseline across all registries, including to explicitly cover cases of privacy violation such as sharing or selling personal data without consent of that person. The GNSO PDP should consider limiting the collection and processing personal data within rules which are mandatory for all gTLD registries. It should also consider not allowing registries to share personal data with third parties without consent of that person or under circumstances defined by applicable law. Also, it is necessary to be aware of new European personal data regulation – the General Data Protection Regulation (GDPR) – especially on issues such as the possible applicability of the regulation and “right to be forgotten.”

**Rationale/related findings:** As mentioned above, the policies of the top 30 new gTLDs have rules regarding sharing of personal data of its registrants with third parties. Furthermore, some of those policies have very clear statements that registries have the right to share or sell personal data.

**To:** Generic Names Supporting Organization

**Prerequisite or Priority Level:** Medium

**Consensus within team:** Yes

**Details:** Despite that Registry Agreement has references to privacy laws and policies, some of the registries are explicit that they have right to share personal data with third parties without consent of that person or under circumstances defined by applicable law.

**Success Measures:** The development of relevant policy and update of Registry Agreement.

**Recommendation:** Conduct a study to identify (1) which new gTLDs have been visited most; (2) the reasons users identify to explain why visited certain new gTLDs more than others; (3) what factors matter most to users in determining which gTLDs to visit and (4) how users' behaviors indicate to what extent they trust new gTLDs

**Rationale/related findings:** The Nielsen studies indicate the relationship between trust of a gTLD and several other factors, including familiarity, reputation and security. However, further information is needed on why and to what extent the public trusts new gTLDs. In particular, in addition to repeating surveys that gather the respondents' subjective views about trustworthiness, ICANN, relevant stakeholders and future Review Teams should assess what objective information can be gathered and measured that relates to trustworthiness. A further study could provide useful information for future gTLD applicants.

**To:** ICANN organization and future CCT

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

**Face-to-Face Meeting Action Item:** Consolidate **recommendations 13, 15, 33** into a single end-user survey: Laureen to consider whether it will be a part of the earlier larger recommendation on conducting a single end-user survey. **Jordyn to consolidate registrant survey recommendations** and Laureen to address end-user survey recommendations for possible consolidation.



# Rec. 13

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## **ICANN Org public comment:**

- Specify what is expected of ICANN organization and each of the stakeholders.
- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- CCTRT to clarify how these recommendations align with the gTLD Marketplace Index effort.

**Recommendation:** Create incentives to encourage gTLD registries to meet user expectations regarding: (1) the relationship of content of a gTLD to its name; (2) restrictions as to who can register a domain name in certain gTLDs based upon implied messages of trust conveyed by the name of its gTLDs (particularly in sensitive or regulated industries) and (3) the safety and security of users' personal and sensitive information (including health and financial information).

**Rationale/related findings:** The Nielsen surveys indicate that the public expects restrictions on who can purchase domain names, expects that such restrictions will be enforced and is concerned about the security of their personal and sensitive information.

**To:** New gTLD Subsequent Procedures PDP Working Group

**Prerequisite or Priority Level:** Prerequisite (incentives could be implemented as part of application process)

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 14

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**ICANN Org public comment:**

- none

**Recommendation:** Create incentives to encourage gTLD registries to meet user expectations regarding (1) the relationship of content of a gTLD to its name; (2) restrictions as to who can register a domain name in certain gTLDs based upon implied messages of trust conveyed by the name of its gTLDs (particularly in sensitive or regulated industries; and (3) the safety and security of users' personal and sensitive information (including health and financial information). **These incentives could relate to applicants who choose to make public interest commitments in their applications that relate to these expectations. Ensure that applicants for any subsequent rounds are aware of these public expectations by inserting information about the results of the ICANN surveys in the Applicant Guide Books. [perhaps?: Ensure that applicants for any subsequent rounds demonstrate their awareness of how to comply with legal obligations regarding maintaining the security of user's personal and sensitive information.]**

**Rationale/related findings:** The Nielsen surveys indicate certain expectations on behalf of the public. The surveys indicated the public believes that websites have different extensions to “properly identify the purpose or owner or to give an indication of content or function.” The majority of those surveyed expect both 1) a connection between the name of a gTLD and the websites associated with that gTLD and 2) a consistency between the meaning of the domain name and its actual use. The Nielsen surveys also indicate that the public expects restrictions on who can purchase domain names, expects that such restrictions will be enforced and is concerned about the security of their personal and sensitive information. **However, in addition to benefits, registration restrictions may also impact competition. Measures of success for these recommendations would include improved public trust and visitation of new gTLDs and reduced fears regarding the misuse of user's personal and sensitive information. They would also include whether registration restrictions had a negative impact on competition.**

**To:** New gTLD Subsequent Procedures PDP Working Group

**Prerequisite or Priority Level:** Prerequisite (incentives could be implemented as part of application process)

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

**Face-to-Face Meeting Action Item:** Rewriting it to include removal of barriers to diversity (i.e. more niche TLDs or other business models?) to incentivize it rather than encouraging a particular business model.

Some of rationale from **recs 35 and 36** should be included in **rec 14** or elsewhere in the text. i.e. Observations about risks and costs and benefits in the text.

**Recommendation:** ICANN should repeat selected parts of global surveys (for consumer end-user and registrant surveys, in addition to necessary baseline and questions – repeat 700, 800, 900, and 1100 series survey questions and questions 775, 1000, 1036, 1050, 155 and 1060) to look for an increase in familiarity with new gTLDs, visitation of new gTLDs and perceived trustworthiness of new gTLDs.

**Rationale/related findings:** Future review teams can compare these results to prior data to assess whether there has been an increase in familiarity with and trust of new gTLDs.

**To:** ICANN organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

**Face-to-Face Meeting Action Item:** Consolidate **recommendations 13, 15, 33** into a single end-user survey: Laureen to consider whether it will be a part of the earlier larger recommendation on conducting a single end-user survey. Jordyn to consolidate registrant survey recommendations and Laureen to address end-user survey recommendations for possible consolidation.

# Rec. 15

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- CCTRT to clarify how registrants' preferences for particular TLDs inform the extent to which the expansion of gTLDs has promoted competition, consumer trust and consumer choice.
- CCTRT to clarify how these recommendations align with the gTLD Marketplace Index effort.

**Recommendation:** ICANN should commission a study to collect data on the impact of restrictions on who can buy domains within certain new gTLDs (registration restrictions) to (1) compare consumer trust levels between new gTLDs with varying degrees of registration restrictions; (2) determine whether there are correlations between DNS abuse and the presence or absence of registration restrictions; (3) assess the costs and benefits of registration restrictions and (4) determine whether and how such registration restrictions are enforced.

**Rationale/related findings:** Future PDPs and review teams can use this data to inform future policy decisions regarding new gTLDs, especially as it relates to the issue of whether restrictions should be encouraged or included within the standard provisions included in ICANN new gTLD contracts.

**To:** ICANN organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)



# Rec. 16

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- CCTRT to clarify the difference between Recommendation 16 and 35. Costs & benefits need to be defined in the recommendation.
- CCTRT to provide guidance on the types of restrictions that are intended in recommendations 16, 35, 36.

**Recommendation:** ICANN should **collect data annually** on the impact of restrictions on who can buy domains within certain new gTLDs (registration restrictions)<sup>1</sup> to help regularly determine and report:

- (1) whether consumers and registrants are aware that certain new gTLDs have registration restrictions;
- (2) compare consumer trust levels between new gTLDs with varying degrees of registration restrictions;
- (3) determine whether **the lower abuse rates associated with gTLDs that impose stricter registration policies identified in the Statistical Analysis of DNS Abuse in gTLDs continue to be present within new gTLDs that impose registration restrictions as compared with new gTLDs that do not;**
- (4) assess the costs and benefits of registration restrictions and **to contracted parties and the public (to include impacts on competition and consumer choice)** and
- (5) determine whether and how such registration restrictions are enforced **or challenged.**

**Rationale/related findings:** The ICANN Consumer Research and Registrant surveys indicate that the public expects certain restrictions about who can purchase domain names and trusts that these restrictions will be enforced. The survey results also indicated that the presence of such restrictions contributed to consumer trust. However, it would be useful for future review teams and those developing future policy to have more data on how aware the public is of registration restrictions and the impact of registration restrictions on consumer trust. In addition, the Statistical Analysis of DNS Abuse in gTLDs indicated that DNS abuse counts correlate with strict registration policies with bad actors preferring to register domains with no registration restrictions.<sup>2</sup> It is also important to obtain information on the costs of registration restrictions on the relevant parties so that benefits (in terms of increased trust and decreased DNS abuse) can be weighed against costs (including increased resources needed to implement such restrictions and financial costs) and any restrictions on competition. Future PDPs and review teams can use this data to inform future policy decisions regarding new gTLDs, especially as it relates to the issue of whether restrictions should be encouraged or included within the standard provisions included in ICANN new gTLD contracts.

**To:** ICANN organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** Yes

**Details:** ICANN should explore how to incorporate this data collection as part of its existing data collection initiatives, including but not limited to the Domain Abuse Activity Reporting System and the Marketplace Health Initiative, as well as future ICANN initiatives related to measuring DNS abuse, and the health of the DNS and the DNS marketplace. Moreover, ICANN may also explore how to incorporate this data collection through the activities and reporting of ICANN Compliance, including but not limited to its audit functions. Collecting this data annually would inform future review teams about the impact of registration restrictions and whether and how they can best be utilized for gTLDs, particularly those gTLDs that fall within sensitive or highly regulated market sectors.

**Success Measures:** This recommendation will be considered successful if it generates annual data that provides guidance for future review teams and policy development processes on the topic of registration restrictions, particular if the data indicates under what circumstances the benefits of registration restrictions to the public (which may include decreased levels of DNS abuse) outweigh possible costs to contracted parties or possible impacts on competition.

**Recommendation:** ICANN should gather data to assess whether a significant percentage of WHOIS-related complaints applicable to new gTLDs relate to the accuracy of the identity of the registrant, and whether there are differences in behavior between new and legacy gTLDs. This data should include analysis of WHOIS accuracy complaints received by ICANN Contractual Compliance to identify the subject matter of the complaints (e.g., complaints about syntax, operability or identity) and compare the number of complaints about WHOIS syntax, operability or identity between legacy gTLDs and new gTLDs. ICANN should also identify other potential data sources of WHOIS complaints (registrars, registries, ISPs, etc.) and attempt to obtain anonymized data from these sources.

**Rationale/related findings:** WHOIS-related complaints are the largest category of complaints received by ICANN Contractual Compliance for registrars. However, it is unclear what aspect of WHOIS accuracy forms the basis of these complaints, or if the introduction of new gTLDs has had any effect on the accuracy of WHOIS data. Phase 1 of ICANN's ARS project analyzes the syntactic accuracy of WHOIS contact information and Phase 2 assesses the operability of the contact data in the WHOIS record. But there is currently no plan to proceed with Phase 3 of the ARS project, identity validation (is the contacted individual responsible for the domain?).

**To:** ICANN organization to gather required data, and to provide data to relevant review teams to consider the results and if warranted, to assess feasibility and desirability of moving to identity validation phase of WHOIS ARS project.

**Prerequisite or Priority Level:** Medium

**Details:** (none)

**Consensus within team:** Yes

**Success Measures:** (none)

## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- Clarify what data the CCTRT is requesting to ICANN organization to collect from registries and registrars, and whether they do collect this data.
- Challenges in obtaining the data.
- CCTRT's recommended priority may not align with the RDS-WHOIS2-RT limited scope.
- Clarify what data the CCTRT is requesting ICANN organization collect from registries and registrars.
- Timing of the recommendation would not align if the RDS-WHOIS2-RT decides on a limited scope review.

**Recommendation:** Once gathered (see Recommendation 17), this data regarding WHOIS accuracy should be considered by the upcoming WHOIS Review Team to determine whether additional steps are needed to improve WHOIS accuracy, particularly whether to proceed with the identity phase of the Accuracy Reporting System (ARS) project. Future CCT Reviews may also consider making use of this data if a differential in behavior is identified between legacy and new gTLDs.

**Rationale/related findings:** WHOIS-related complaints are the largest category of complaints received by ICANN Contractual Compliance for registrars. However, it is unclear what aspect of WHOIS accuracy forms the basis of these complaints, or if the introduction of new gTLDs has had any effect on the accuracy of WHOIS data. Phase 1 of ICANN's ARS project analyzes the syntactic accuracy of WHOIS contact information and Phase 2 assesses the operability of the contact data in the WHOIS record. But there is currently no plan to proceed with Phase 3 of the ARS project, identity validation (is the contacted individual responsible for the domain?).

**To:** ICANN organization to gather required data, and to provide data to relevant review teams to consider the results and if warranted, to assess feasibility and desirability of moving to identity validation phase of WHOIS ARS project.

**Prerequisite or Priority Level:** Medium

**Details:** (none)

**Consensus within team:** Yes

**Success Measures:** (none)

# Rec. 18

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**ICANN Org public comment:**

None.



**Recommendation:** In order for the upcoming WHOIS Review Team to determine whether additional steps are needed to improve WHOIS accuracy, and whether to proceed with the identity phase of the Accuracy Reporting System (ARS) project, ICANN should gather data to assess whether a significant percentage of WHOIS-related complaints applicable to new gTLDs relate to the accuracy of the identity of the registrant, and whether there are differences in behavior between new and legacy gTLDs. This data should include analysis of WHOIS accuracy complaints received by ICANN Contractual Compliance to identify the subject matter of the complaints (e.g., complaints about syntax, operability or identity) and compare the number of complaints about WHOIS syntax, operability or identity between legacy gTLDs and new gTLDs. ICANN should attempt to identify potential data sources of WHOIS complaints beyond those that are contractually required (including but not limited to complaints received directly by registrars, registries, ISPs, etc.) and attempt to obtain anonymized data from these sources. Future CCT Reviews may then also use this data.

**Rationale/related findings:** WHOIS-related complaints are the largest category of complaints received by ICANN Contractual Compliance for registrars. However, it is unclear what aspect of WHOIS accuracy forms the basis of these complaints, or if the introduction of new gTLDs has had any effect on the accuracy of WHOIS data. Phase 1 of ICANN's ARS project analyzes the syntactic accuracy of WHOIS contact information and Phase 2 assesses the operability of the contact data in the WHOIS record. But there is currently no plan to proceed with Phase 3 of the ARS project, identity validation (is the contacted individual responsible for the domain?).

**To:** ICANN organization to gather required data, and to provide data to relevant review teams to consider the results and if warranted, to assess feasibility and desirability of moving to identity validation phase of WHOIS ARS project.

**Prerequisite or Priority Level:** Medium

Consensus within team: TBC

Details: (none)

Success Measures: (none)

**Recommendation:** Repeat data-gathering efforts that compare rates of abuse in domains operating under new Registry Agreement and Registrar Agreements to legacy gTLDs as future review teams deem necessary. Although we recommend a periodic data-gathering exercise, we anticipate that these studies will change over time as a result of input from the community and future review teams.

**Rationale/related findings:** In order to better measure new gTLDs' ability to mitigate abusive activity, data related to abuse rates in new gTLDs should be gathered and analyzed on a regular basis. The data should be reviewed by both the ICANN organization and be made available to policymaking bodies and future review teams. The CCT Review Team has commissioned a study on this topic to serve as a baseline for future review teams and will report findings based on this study in our final report. This baseline will serve as a basis to compare future rates of abuse using the same methodology, which will work to support future hypothesis formulation and testing on potential causal factors that explain the variation in rates of abuse in TLDs.**To:** ICANN organization

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 19

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.

**Recommendation:**

**Rationale/related findings:**

**To:**

**Prerequisite or Priority Level:**

**Consensus within team:**

**Details:**

**Success Measures:**

**Recommendation:** The next CCTRT should review the proposed Registry Operator Framework when completed and assess whether the framework is a sufficiently clear and effective mechanism to mitigate abuse by providing for specified actions in response to security threats.

**Rationale/related findings:** It is not clear whether the intended goal of the security checks safeguard – to enhance efforts to fight DNS abuse – has been met. The community will be better positioned to evaluate the effectiveness of this safeguard once a specific framework has been proposed that specifies how registry operators should respond to security threats.

**To:** Future CCT Review Teams

**Prerequisite or Priority Level:** Medium

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 20

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**ICANN Org public comment:**

none

**Recommendation:** The next CCTRT should review the proposed Registry Operator Framework when completed and assess whether the framework is a sufficiently clear and effective mechanism to mitigate abuse by providing for specified actions in response to security threats.

**Rationale/related findings:** It is not clear whether the intended goal of the security checks safeguard – to enhance efforts to fight DNS abuse – has been met. The community will be better positioned to evaluate the effectiveness of this safeguard once a specific framework has been proposed that specifies how registry operators should respond to security threats.

**To:** Future CCT Review Teams

**Prerequisite or Priority Level:** Medium

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)



**Recommendation:** Assess whether mechanisms to report and handle complaints have led to more focused efforts to combat abuse by determining (1) the volume of reports of illegal conduct in connection with the use of the TLD that registries receive from governmental and quasi-governmental agencies and the volume of inquiries that registries receive from the public related to malicious conduct in the TLD and (2) what actions registries have taken to respond to complaints of illegal or malicious conduct in connection with the use of the TLD. Such efforts could include surveys, focus groups or community discussions. If these methods proved ineffective, consideration could be given to amending future standard Registry Agreements to require registry operators to provide this information to ICANN. Once this information is gathered, future review teams should consider recommendations for appropriate follow up measures.

**Rationale/related findings:** (none)

**To:** ICANN organization and future CCT Review Teams

**Prerequisite or Priority Level:** Medium

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 21

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## **ICANN Org public comment:**

- Specify what is expected of ICANN organization and each of the stakeholders.
- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.

**Recommendation:** Assess whether more efforts are needed to publicize contact points where complaints that involve abuse or illegal behavior within a TLD should be directed.

**Rationale/related findings:** Although the safeguards regarding making and handling complaints have been implemented, it is unclear: (1) whether either law enforcement or the public is sufficiently aware that these complaint mechanisms exist; (2) how frequently these channels are used by the public and law enforcement to notify registries of illegal or abusive behavior and (3) what impact these safeguards have had on their intended goal of mitigating DNS abuse. Hence our recommendations relate to improved data gathering to inform future efforts on combatting abuse within gTLDs.

**To:** ICANN organization and future CCT Review Teams

**Prerequisite or Priority Level:** Medium

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

## **ICANN Org public comment:**

- Specify what is expected of ICANN organization and each of the stakeholders.
- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- Clarify clarify what data and analysis the CCTRT is asking for in this recommendation.

**Recommendation:** Include more detailed information on the subject matter of complaints in ICANN publicly available compliance reports. Specifically, more precise data on the subject matter of complaints, particularly (1) what type of law violation is being complained of and (2) an indication of whether complaints relate to the protection of sensitive health or financial information, would assist future Review Teams in their assessment of these safeguards. Note: A general recommendation for further transparency regarding the subject matter of complaints received by ICANN Contractual Compliance is set forth in Chapter V. Data-Driven Analysis: Recommendations for Additional Data Collection and Analysis.

**Rationale/related findings:**

**To:** ICANN Organization

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 23

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- Provide more guidance as to the purpose of the data requested and what analyses are expected of ICANN organization for this data.

**Recommendation:** Provide continuous capability to assess the efficacy of the safeguards against DNS abuse in service of maintaining the security, stability, resiliency of the DNS via rigorous enforcement of the requirement in contract to provide mechanisms to report abuse, an obligation of the registry operator to act to mitigate abuse via formal processes and known mechanisms, record and curate data sufficient to identify complainants, classify complaints and make meaningful attempts to share data and information on volume of complaints, results from mitigation activities and any changes in either process or mechanisms informed by analyzing the data and information recorded and curated.

Specifically and per Specification 11 of the Base Registry Agreement 2013, the ICANN organization shall encourage a code of best practice by, among other things, ensuring that the abuse complaint point of contact is pervasively and clearly publicized, that a single report format for complaints and their disposition be applied to all registries and in fulfilling the obligations consistent with contract compliance.

ICANN would mandate that specific abuse data is captured and curated so that it (1) Enables determination of the volume of abuse reports categorized by source of complaints, especially governments, quasi-government agencies and endusers (2) Response actions by registries (3) The awareness of the general public and complainants to both abuse reports and registry operator response.

Finally, the ICANN organization is obliged to collect, curate and disseminate, as applicable, abuse data and information collected and managed by the registries and, from time to time, seek consumer feedback to gauge the effectiveness of all measures.

**Rationale/related findings:** The recommendation is intended to solve the documented and pervasively reported case of lack of data for a robust analytic approach to determine level of DNS abuse . The reasons given were the apparent confusion locating points of contact for reporting abuse by consumers, the reporting mechanisms and, whether ICANN had sufficient investment in abuse mitigation outcomes.

The consensus was there were sufficient tools to record abuse but the enforcement mechanisms or the will to enforce was inadequate or missing. No new policy developments are anticipated to achieve improved outcomes.

In the main, the negative comments associated with each recommendation from the Public Commnets was that the definition of 'abuse' is inconsistent and a fear ICANN could be led to take positions outside its narrow remit.

This consolidation is predicated on a clarified and fixed meaning of abuse. Abuse is defined as any act that broadly undermines "the openness, interoperability, resilience, security and/or stability of the DNS". To avoid the argument about the definition of the DNS, we contextualize its meaning by reference and direct connection to our understanding of ICANN's mission as per byelaws; Section 1.1: Mission. We cement the approach by reprising the SSAC's definitions of the terms: " Security - The capacity to protect and prevent misuse of Internet unique identifiers.

Stability - The capacity to ensure that the Identifier System operates as expected and that users of unique identifiers have confidence that the system operates as expected.

Resiliency - The capacity of the Identifier System to effectively withstand, tolerate and survive malicious attacks and other disruptive events without disruption or cessation of service." See SSAC Review

**To:** ICANN organization

**Details:** (none)

**Prerequisite or Priority Level:** High

**Success Measures:** (none)

**Consensus within team:** TBC



**Recommendation:** Initiate discussions with relevant stakeholders to determine what constitutes reasonable and appropriate security measures commensurate with the offering of services that involve the gathering of sensitive health and financial information. Such a discussion could include identifying what falls within the categories of “sensitive health and financial information” and what metrics could be used to measure compliance with this safeguard.

**Rationale/related findings:** The lack of publicly available information about whether ICANN Contractual Compliance has received complaints related to the implemented Category 1 safeguards, and lack of a common framework to define sensitive information and identify what constitutes “reasonable and appropriate security measures” make it difficult to assess what impact this safeguard has had on mitigating risks to the public.

**To:** ICANN organization

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 24

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- Clarify the intended use of the information and by whom to ensure that appropriate data collection and analyses are performed.

**Recommendation:** Collection and processing personal data should be more strictly regulated within rules which are mandatory for all gTLD registries. Registries should not be allowed to share personal data with third parties without consent of that person or under circumstances defined by applicable law. **The GNSO should initiate a new Policy Development Process to create a consistent privacy baseline across all registries, including to explicitly cover cases of privacy violation such as sharing or selling personal data without consent of that person.** Also, it is necessary to be aware of new European personal data regulation – the General Data Protection Regulation (GDPR) – especially on issues such as the possible applicability of the regulation and “right to be forgotten.”.

**Rationale/related findings:** As mentioned above, the policies of the top 30 new gTLDs have rules regarding sharing of personal data of its registrants with third parties. Furthermore, some of those policies have very clear statements that registries have the right to share or sell personal data.

**To:** ICANN organization

**Prerequisite or Priority Level:** Medium

**Consensus within team:** TBC

**Details:** (none)

**Success Measures:** (none)

**Recommendation:** ICANN should perform a study on highly regulated new gTLDs to include the following elements: steps registry operators are taking to establish working relationships with relevant government or industry bodies;

**Rationale/related findings:** (none)

**To:** ICANN Organization

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 25

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- Clarify the intended use of the information and by whom to ensure that appropriate data collection and analyses are performed.

**Recommendation:** the volume of complaints received by registrants from regulatory bodies and their standard practices to respond to those complaints;

**Rationale/related findings:** (none)

**To:** ICANN Organization

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 26

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- Clarify the intended use of the information and by whom to ensure that appropriate data collection and analyses are performed.

**Recommendation:** assessment of a sample of domain websites within the highly regulated sector category to see whether contact information to file complaints is sufficiently easy to find;

**Rationale/related findings:** (none)

**To:** ICANN Organization

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)



# Rec. 27

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- Clarify the intended use of the information and by whom to ensure that appropriate data collection and analyses are performed.

**Recommendation:** assessment of whether restrictions regarding possessing necessary credentials are being enforced by auditing registrars and resellers offering the highly regulated TLDs (e.g., can an individual or entity without the proper credentials buy a highly regulated domain?);

**Rationale/related findings:** (none)

**To:** ICANN Organization

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 28

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- Clarify the intended use of the information and by whom to ensure that appropriate data collection and analyses are performed.

**Recommendation:** determining the volume and subject matter of complaints regarding domains in highly regulated industries by seeking more detailed information from ICANN Contractual Compliance and registrars/resellers of highly regulated domains; and

**Rationale/related findings:** (none)

**To:** ICANN Organization

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 29

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- Clarify the intended use of the information and by whom to ensure that appropriate data collection and analyses are performed.

**Recommendation:** comparing rates of abuse between those highly regulated gTLDs that have voluntarily agreed to verify and validate credentials to those highly regulated gTLDs that have not.

**Rationale/related findings:** Although ICANN has implemented certain safeguards applicable to domains for highly regulated strings, it is unclear whether and how contracted parties are complying with these safeguards. It is also not clear whether these safeguards have been effective in mitigating risks associated with domains in highly regulated markets.

**To:** ICANN Organization

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 30

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- Clarify the intended use of the information and by whom to ensure that appropriate data collection and analyses are performed.

**Recommendation:** ICANN should perform a study on highly regulated new gTLDs to include the following elements: a) steps registry operators are taking to establish working relationships with relevant government or industry bodies; b) the volume of complaints received by registrants from government and regulatory bodies and their standard practices to respond to those complaints; c) review and assess a sample of domain websites within the highly regulated sector category to see whether contact information to file complaints is sufficiently easy to find; d) determine the volume and the subject matter of complaints regarding domains in highly regulated industries by seeking more detailed information from ICANN Contractual Compliance and registrars/resellers of highly regulated domains; e) compare rates of abuse between those highly regulated gTLDs that have voluntarily agreed to verify and validate credentials to those highly regulated gTLDs that have not; and e) assess whether restrictions regarding possessing necessary credentials are being enforced by auditing registrars and resellers offering the highly regulated TLDs (i.e., can an individual or entity without the proper credentials buy a highly regulated domain?). To the extent that current ICANN data collection initiatives and compliance audits could contribute to these efforts, we recommend that ICANN assess the most efficient way to proceed to avoid duplication of effort and leverage current work.



**Rationale/related findings:** Although ICANN has implemented certain safeguards applicable to domains for highly regulated strings, it is unclear whether and how contracted parties are complying with these safeguards. It is also not clear whether these safeguards have been effective in mitigating risks associated with domains in highly regulated markets. The consumer end-user survey results indicate that new gTLDs are not trusted to the same extent as legacy gTLDs and that the public is concerned about potential misuse of their sensitive information. Domains working in highly regulated sectors such as health and finance may be more apt to collect this sensitive information and hence the trustworthiness of these domains is even more crucial. Hence, it is important to understand whether the safeguards put into place to mitigate the risks associated with highly regulated domains are being enforced and whether they are effective.

ICANN is embarking on several data gathering initiatives that may shed light on some of these issues, including the Data Abuse Activity Reporting Project, the Marketplace Health Index, and the Identifier Technology Health Indicators project.

**To:** ICANN Organization

**Prerequisite or Priority Level:** High

**Consensus within team:** TBC

**Details:** (none)

**Success Measures:** (none)

**Face-to-Face Meeting Action Item:** ICANN org to reach out to Subsequent Procedures leadership and ask where they are in their highly regulated strings discussion. As it will influence priority level for the recommendation -- does it need to be completed in time for Subsequent Procedures PDP WG to address in its work?

**Recommendation:** Determine whether ICANN Contractual Compliance has received complaints for a registry operator's failure to comply with either the safeguard related to gTLDs with inherent governmental functions or the safeguard related to cyberbullying.

**Rationale/related findings:** The lack of information about whether ICANN Contractual Compliance or registries have received complaints related to these safeguards and lack of consequences for failure to comply with these safeguards make it difficult to assess their effectiveness in mitigating the risks they were intended to address, Note: A general recommendation for further transparency regarding the subject matter of complaints received by ICANN Contractual Compliance is set forth in Chapter V. Data-Driven Analysis: Recommendations for Additional Data Collection and Analysis.

**To:** ICANN organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 31

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.

**Recommendation:** Set up a periodic procedure to determine whether ICANN Contractual Compliance has received complaints for a registry operator's failure to comply with either the safeguard related to gTLDs with inherent governmental functions or the safeguard related to cyberbullying.

**Rationale/related findings:** The lack of information about whether ICANN Contractual Compliance or registries have received complaints related to these safeguards and lack of consequences for failure to comply with these safeguards make it difficult to assess their effectiveness in mitigating the risks they were intended to address, Note: A general recommendation for further transparency regarding the subject matter of complaints received by ICANN Contractual Compliance is set forth in Chapter V. Data-Driven Analysis: Recommendations for Additional Data Collection and Analysis.

**To:** ICANN organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

**Recommendation:** Survey registries to determine how they enforce these safeguards.

**Rationale/related findings:** The lack of information about whether ICANN Contractual Compliance or registries have received complaints related to these safeguards and lack of consequences for failure to comply with these safeguards make it difficult to assess their effectiveness in mitigating the risks they were intended to address, Note: A general recommendation for further transparency regarding the subject matter of complaints received by ICANN Contractual Compliance is set forth in Chapter V. Data-Driven Analysis: Recommendations for Additional Data Collection and Analysis.

**To:** ICANN organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 32

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- Clarify the intended use of the information and by whom to ensure that appropriate data collection and analyses are performed.

**Recommendation:** Survey Registries to determine how they enforce these safeguards **related to cyberbullying and misrepresenting a governmental affiliation.**

**Rationale/related findings:** The lack of information about whether ICANN Contractual Compliance or registries have received complaints related to these safeguards and lack of consequences for failure to comply with these safeguards make it difficult to assess their effectiveness in mitigating the risks they were intended to address, Note: A general recommendation for further transparency regarding the subject matter of complaints received by ICANN Contractual Compliance is set forth in Chapter V. Data-Driven Analysis: Recommendations for Additional Data Collection and Analysis.

**To:** ICANN organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)



**Recommendation:** Collect data comparing subjective and objective trustworthiness of new gTLDs with restrictions on registration, to new gTLDs with few or no restrictions.

**Rationale/related findings:** (none)

**To:** ICANN organization, PDP Working Group, and future CCT Review Teams

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

**Face-to-Face Meeting Action Item:** Consolidate **recommendations 13, 15, 33** into a single end-user survey: Laureen to consider whether it will be a part of the earlier larger recommendation on conducting a single end-user survey. Jordyn to consolidate registrant survey recommendations and Laureen to address end-user survey recommendations for possible consolidation.

## **ICANN Org public comment:**

- Specify what is expected of ICANN organization and each of the stakeholders.
- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- CCTRT to clarify how registrants' preferences for particular TLDs inform the extent to which the expansion of gTLDs has promoted competition, consumer trust and consumer choice.
- CCTRT to clarify how these recommendations align with the gTLD Marketplace Index effort.

**Recommendation:** Conduct a study to identify (1) which new gTLDs have been visited most; (2) the reasons users identify to explain why visited certain new gTLDs more than others; (3) what factors matter most to users in determining which gTLDs to visit and (4) how users' behaviors indicate to what extent they trust new gTLDs

**Rationale/related findings:** The two surveys (ICANN Global Consumer Surveys) undertaken first in 2015, and repeated in 2016 revealed the following in respect of consumer awareness and trust in new gTLDs:

- Consumer awareness of new gTLD is lower than awareness of legacy gTLDs – sometimes by a margin as much as 46%.
- Visitations to new gTLD sites were not as often as visits to the legacy gTLDs (approximate margins of around 56%), which was comparable to the lesser known legacy gTLDs.

**To:** ICANN organization and future CCT Review Teams

**Prerequisite or Priority Level:** High

**Consensus within team:** TBC

**Details:** It is therefore important, for the ICANN Organisation and future CCT Review Team(s) to establish:

- (1) which specific new gTLDs have the most visitations
- (2) any reasons that users give to explain their choice to visit certain new gTLDs more than they do others;
- (3) which specific factors drive consumers to determine and choose which gTLDs (both legacy and new gTLDs) to visit. (Factors that determine frequency and regularity of visitations to certain gTLDs);
- (4) how users' behaviors indicate the extent to which they trust new gTLDs. For instance:
  - a. Are more visitations a result of increased trust?
  - b. Are less visitations a consequence of a lack of trust?
  - c. Does awareness of a certain gTLD or lack thereof affect the trust placed upon it?

**Success Measures:** Indicators of Success in carrying out this recommendation would include the following:

- Increased global awareness of new gTLDs, thus reducing the gap between awareness of legacy gTLDs and that of new gTLDs.
- Increased instances of visitations to new gTLDs as awareness increases, also bridging the gap between legacy gTLD visitations and new gTLD visitations.
- Reported increased level of trust for new gTLDs, which is at least favorably comparable to that in legacy gTLDs.
- Correlations between the level of familiarity and number of visitations as well as trust in particular gTLDs be they legacy or new gTLDs.

**Recommendation:** Repeat and refine the DNS Abuse Study to determine whether the presence of additional registration restrictions correlate to a decrease in abuse in new gTLDs, and as compared to new gTLDs that lack registration restrictions, and as compared to legacy gTLDs.

**Rationale/related findings:** The Nielsen surveys indicated a positive relationship between registration restrictions and trustworthiness of a domain. However, in addition to benefits, registration restrictions may also impact competition. More information is needed to assess whether this safeguard has met its intended goal in a manner that balances the benefits to the public in terms of trustworthiness and competition.

**To:** ICANN organization, New gTLD Subsequent Procedures PDP Working Group, and future CCT Review Teams

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 34

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## **ICANN Org public comment:**

- Specify what is expected of ICANN organization and each of the stakeholders.
- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- Clarify what types of registration restrictions the CCTRT wants included in this study.

**Recommendation:**

**Rationale/related findings:**

**To:**

**Prerequisite or Priority Level:**

**Consensus within team:**

**Details:**

**Success Measures:**

**Recommendation:** Collect data on costs and benefits of implementing various registration restrictions, including the impact on compliance costs and costs for registries, registrars and registrants. One source of this data might be existing gTLDs (for example, for verification and validation restrictions, we could look to those new gTLDs that have voluntarily included verification and validation requirements to get a sense of the costs involved).

**Rationale/related findings:** The Nielsen surveys indicated a positive relationship between registration restrictions and trustworthiness of a domain. However, in addition to benefits, registration restrictions may also impact competition. More information is needed to assess whether this safeguard has met its intended goal in a manner that balances the benefits to the public in terms of trustworthiness and competition.

**To:** ICANN organization, New gTLD Subsequent Procedures PDP Working Group, and future CCT Review Teams

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:**



## **ICANN Org public comment:**

- Specify what is expected of ICANN organization and each of the stakeholders.
- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- CCTRT to clarify the difference between Recommendation 16 and 35, costs & benefits need to be defined in the recommendation.
- CCTRT to provide guidance on the types of restrictions that are intended in recommendations 16, 35, 36.

**Recommendation:** To the extent possible and as necessary and helpful for the New gTLD Subsequent Procedures Policy Development Process Working Group to complete its work, collect data on costs and benefits of implementing various registration restrictions, including the impact on compliance costs and costs for registries, registrars and registrants. Collection of this data is contingent on the voluntary cooperation of the contracted parties and registrants. One source of this data might be existing gTLDs (for example, for verification and validation restrictions, we could look to those new gTLDs that have voluntarily included verification and validation requirements to get a sense of the costs involved).

**Rationale/related findings:** The Nielsen surveys indicated a positive relationship between registration restrictions and trustworthiness of a domain. However, in addition to benefits, registration restrictions may also impact competition. More information is needed to assess whether this safeguard has met its intended goal in a manner that balances the benefits to the public in terms of trustworthiness and competition.

**To:** ICANN organization, New gTLD Subsequent Procedures PDP Working Group, and future CCT Review Teams

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

**Face-to-Face action item:** remove recommendation, pending Jamie's review. Delete **rec 36**. Some of rationale from **recs 35 and 36** should be included in **rec 14** or elsewhere in the text. i.e. Observations about risks and costs and benefits in the text.

**Recommendation:** Gather public comments on the impact of new gTLD registration restrictions on competition to include whether restrictions have created undue preferences.

**Rationale/related findings:** The Nielsen surveys indicated a positive relationship between registration restrictions and trustworthiness of a domain. However, in addition to benefits, registration restrictions may also impact competition. More information is needed to assess whether this safeguard has met its intended goal in a manner that balances the benefits to the public in terms of trustworthiness and competition.

**To:** ICANN organization, New gTLD Subsequent Procedures PDP Working Group, and future CCT Review Teams

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 36

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**ICANN Org public comment:**

None

**Recommendation:** Gather public comments on the proposed classification of the source of restrictions as per Recommendation #16 (policy based vs. conditional restrictions for purposes of application evaluation and/or gTLD delegation), as well as the impact of new gTLD registration restrictions on competition, to gain insight if there is a perception whether certain restrictions have created undue preferences. Focus of the evaluation of the public comments should elucidate if restrictions should have a stronger (policy based) rationale, or if it is only a matter of enforcement.

**Rationale/related findings:** The Nielsen surveys indicated a positive relationship between registration restrictions and trustworthiness of a domain. However, in addition to benefits, registration restrictions may also impact competition. More information is needed to assess whether this safeguard has met its intended goal in a manner that balances the benefits to the public in terms of trustworthiness and competition.

**To:** ICANN organization, New gTLD Subsequent Procedures PDP Working Group, and future CCT Review Teams

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

**Face-to-Face action item:** Delete **rec 36**. Some of rationale from **recs 35 and 36** should be included in **rec 14** or elsewhere in the text. i.e. Observations about risks and costs and benefits in the text.

**Recommendation:** The ICANN organization should improve the accessibility of voluntary public interest commitments by maintaining a publicly accessible database of these commitments, as extracted from the registry agreements.

**Rationale/related findings:** The current process of analyzing individual voluntary PICs, comparing PICs amongst TLDs, and understanding their impact is currently cumbersome for end users and the community. Unlike many other aspects of registry agreements, voluntary PICs vary greatly from one TLD to another. Therefore, a publicly accessible database of these commitments would enhance visibility and accountability.

**To:** ICANN organization

**Prerequisite or Priority Level:** Medium

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 37

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## **ICANN Org public comment:**

- Required timing for the implementation of this recommendation may not align with the timeline for the Open Data Initiative.

**Recommendation:** The ICANN organization should improve the accessibility of voluntary public interest commitments by maintaining a publicly accessible database of these commitments, as extracted from the registry agreements.

**Rationale/related findings:** The current process of analyzing individual voluntary PICs, comparing PICs amongst TLDs, and understanding their impact is currently cumbersome for end users and the community. Unlike many other aspects of registry agreements, voluntary PICs vary greatly from one TLD to another. Therefore, a publicly accessible database of these commitments would enhance visibility and accountability.

**To:** ICANN organization

**Prerequisite or Priority Level:** Medium

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)



**Recommendation:** Future gTLD applicants should state the goals of each of their voluntary PICs.

**Rationale/related findings:** The intended purpose is not discernable for many voluntary PICs, making it difficult to evaluate effectiveness.

**To:** ICANN organization and New gTLD Subsequent Procedures PDP Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 38

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## **ICANN Org public comment:**

- Specify what is expected of ICANN organization and each of the stakeholders.

**Recommendation:** Future gTLD applicants should state the goals of each of their voluntary PICs.

**Rationale/related findings:** The intended purpose is not discernable for many voluntary PICs, making it difficult to evaluate effectiveness.

**To:** ICANN organization and New gTLD Subsequent Procedures PDP Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

**Recommendation:** All voluntary PICs should be submitted during the application process such that there is sufficient opportunity for Governmental Advisory Committee (GAC) review and time to meet the deadlines for community and Limited Public Interest objections.

**Rationale/related findings:** At present, there is no mechanism in place to ensure that voluntary public interest commitments do not negatively impact the public interest prior to going into effect. Therefore, it is important for voluntary PICs to be made available to the community during the public comment period of the application process.

**To:** New gTLD Subsequent Procedures PDP Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 39

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## **ICANN Org public comment:**

- Specify the intended use of the data or analysis.
- Recommendation overlaps with existing efforts either led by ICANN or other groups outside of ICANN.
- Clarify what is expected of ICANN organization in this recommendation.

**Recommendation:** To the extent voluntary commitments are permitted in future gTLD application processes, all such commitments made by a gTLD applicant must state their intended goal and 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. Furthermore, such requirements should apply to the extent that voluntary commitments may be made after delegation. Such voluntary commitments, including existing voluntary PICs, should be made accessible in an organized, searchable online database to enhance data driven policy development, community transparency, ICANN compliance, and the awareness of variables relevant to DNS abuse trends.

**Rationale/related findings:** The intended purpose of many existing voluntary commitments, through the form of voluntary PICs, is not readily discernable. This ambiguity stifles the community's ability to evaluate effectiveness. Moreover, upon submission in a gTLD application, there is no mechanism in place for the community to ensure that such commitments do not negatively impact public interest and other aspects of the DNS. Consequently, it is important to the multi-stakeholder process that such voluntary commitment proposals be made available to the community with adequate time for assessment and potential objections. Furthermore, once adopted, the current process for analyzing voluntary commitments, drawing comparisons amongst TLDs, measuring effectiveness, and building data points for analysis, is too cumbersome because such commitments are only available in individualized contractual documents embedded on the ICANN website and not available in a categorized, searchable form. Unlike many other aspects of registry agreements, voluntary PICs vary greatly from one TLD to another. Therefore, a publicly accessible, categorized, searchable database of these commitments would enhance data driven policy development, community transparency, ICANN compliance, and the awareness of variables relevant to DNS abuse trends, and the overall ability of future review teams to measure their effectiveness.

**To:** New gTLD Subsequent Procedures PDP Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

**Recommendation:** This Full Impact Study to ascertain the impact of the New gTLD Program on the cost and effort required to protect trademarks in the DNS should be repeated at regular intervals to see the evolution over time as the New gTLD Program continues to evolve and new gTLD registrations increase. We would specifically recommend that the next Impact Survey be completed within 18 months after issuance of the CCTRT final report, and that subsequent studies be repeated every 18 to 24 months.

**Rationale/related findings:** Costs will likely vary considerably over time as new gTLDs are delegated and registration levels evolve. Repeating the Impact Study would enable a comparison over time.

**To:** RPM PDP Working Group

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** The evolution over time will provide a more precise picture of costs as they evolve and track the effectiveness of RPMs generally in the Domain Name System.

**Success Measures:** The results of such Impact Studies would provide significantly more data to the relevant working groups currently looking into RPMs and the TMCH as well as future ones, thereby benefitting the community as a whole. Recommendations would then also be able to evolve appropriately in future CCT Review Teams.



# Rec. 40

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**ICANN Org public comment:**

None

**Recommendation:** An Impact Study in order to ascertain the impact of the New gTLD Program on the cost and effort required to protect trademarks in the DNS should be repeated at regular intervals to see the evolution over time as the New gTLD Program continues to evolve and new gTLD registrations increase. We would specifically recommend that the next Impact Survey be completed within 18 months after issuance of the CCTRT final report, and that subsequent studies be repeated every 18 to 24 months. The CCTRT acknowledges the fact that this was carried out in 2017 by Nielsen surveying INTA members and we encourage that to continue noting that the study needs to be more user friendly.

**Rationale/related findings:** Costs will likely vary considerably over time as new gTLDs are delegated and registration levels evolve. Repeating the Impact Study would enable a comparison over time.

**To:** ICANN organization

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** The evolution over time will provide a more precise picture of costs as they evolve and track the effectiveness of RPMs generally in the Domain Name System.

**Success Measures:** The evolution over time will provide a more precise picture of costs as they evolve and track the effectiveness of RPMs generally in the Domain Name System.

**Face-to-Face action item:** Jordyn to draft text (by Monday 30 Oct - **OVERDUE**) to capture discussion on registrant survey with INTA Survey (rec. 40).

**Recommendation 41:** A full review of the URS should be carried out and consideration be given to how it should interoperate with the UDRP. However, given the PDP Review of All RPMs in All gTLDs, which is currently ongoing, such a review needs to take on board that report when published and indeed may not be necessary if that report is substantial in its findings and if the report fully considers potential modifications.

**Rationale/related findings:** The uptake in use of the URS appears to be below expectations, so it would be useful to understand the reasons for this and whether the URS is considered an effective mechanism to prevent abuse. It is also important for all gTLDs to have a level playing field. The PDP Review of All Rights Protection Mechanisms in All gTLDs is due to consider the URS during spring or early summer 2017 with a final report scheduled for January 2018. It would seem to be diluting resources to create a separate review of the URS without the clarity of the PDP Review of All Rights Protection Mechanisms in All gTLDs.

**To:** RPM PDP Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** A review of the URS consider inter alia (1) whether there should be a transfer option with the URS rather than only suspension; (2) whether two full systems should continue to operate (namely UDPR and URS in parallel) considering their relative merits, (3) the potential applicability of the URS to all gTLDs and (4) whether the availability of different mechanisms applicable in different gTLDs may be a source of confusion to consumers and rights holders.

**Success Measures:** Based on the findings, a clear overview of the suitability of the URS and whether it is functioning effectively in the way originally intended.

# Rec. 41

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**ICANN Org public comment:**

None

**Recommendation 41:** A full review of the URS should be carried out and consideration be given to how it should interoperate with the UDRP. However, given the PDP Review of All RPMs in All gTLDs, which is currently ongoing, such a review needs to take on board that report when published and indeed may not be necessary if that report is substantial in its findings and if the report fully considers potential modifications.

**Rationale/related findings:** The uptake in use of the URS appears to be below expectations, so it would be useful to understand the reasons for this and whether the URS is considered an effective mechanism to prevent abuse. It is also important for all gTLDs to have a level playing field. The PDP Review of All RPMs in All gTLDs, which is running in parallel to this CCT Review Team, will contribute to this consideration with its report due in 2018. *That Working Group's report needs to be considered to set the scope of any review and potential modifications.*

**To:** *Generic Names Supporting Organization*

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** A review of the URS consider inter alia (1) whether there should be a transfer option with the URS rather than only suspension; (2) whether two full systems should continue to operate (namely UDPR and URS in parallel) considering their relative merits, (3) the potential applicability of the URS to all gTLDs and (4) whether the availability of different mechanisms applicable in different gTLDs may be a source of confusion to consumers and rights holders.

**Success Measures:** Based on the findings, a clear overview of the suitability of the URS and whether it is functioning effectively in the way originally intended.

**Recommendation:** A review of the Trademark Clearinghouse (TMCH) and its scope should be carried out to provides us with sufficient data to make recommendations and allow an effective policy review.

**Rationale/related findings:** It seems likely that a full review of the TMCH is necessary including a cost-benefit analyses. The effectiveness of the TMCH appears to be in question. The Independent Review of Trademark Clearinghouse (TMCH) Services Revised Report has not been able to make definitive conclusions due to data limitations and indeed specifically noted that it was unable to perform a cost-benefit analysis of extending the Claims Service or expanding the matching criteria. Indeed, the PDP Review of All RPMs in All gTLDs, which is running in parallel to this CCT Review Team, will contribute to this consideration with its report due January 2018. That Working Group’s report needs to be considered to set the scope of any review and potential modifications.

**To:** RPM PDP Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** There appears to be considerable discussion and comment on whether the TMCH should be expanded beyond applying to only identical matches and if it should be extended to include “mark+keyword” or common typographical errors of the mark in question. If an extension is considered valuable, then the basis of such extension needs to be clear.

**Success Measures:** The availability of adequate data to make recommendations and allow an effective policy review of the TMC.



# Rec. 42

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**ICANN Org public comment:**

None

**Recommendation 42:** A cost-benefit analysis and review of the TMCH and its scope should be carried out to provide quantifiable information on the costs and benefits associated with the present state of the TMCH services and thus to allow for an effective policy review.

**Rationale/related findings:** It seems likely that a full review of the TMCH is necessary including a cost-benefit analyses. The effectiveness of the TMCH appears to be in question. The Independent Review of Trademark Clearinghouse (TMCH) Services Revised Report has not been able to make definitive conclusions due to data limitations and indeed specifically noted that it was unable to perform a cost-benefit analysis of extending the Claims Service or expanding the matching criteria. Indeed, the PDP Review of All RPMs in All gTLDs, which is running in parallel to this CCT Review Team, will contribute to this consideration with its report due January 2018. That Working Group's report needs to be considered to set the scope of any review and potential modifications.

**To:** Generic Names Supporting Organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** There appears to be considerable discussion and comment on whether the TMCH should be expanded beyond applying to only identical matches and if it should be extended to include “mark+keyword” or common typographical errors of the mark in question. If an extension is considered valuable, then the basis of such extension needs to be clear.

**Success Measures:** The availability of adequate data to make recommendations and allow an effective policy review of the TMC.

**Recommendation:** Set objectives for applications from the Global South

**Rationale/related findings:** Applications were few, but there was no concerted effort to encourage them.

**To:** New gTLD Subsequent Procedures Working Group

**Prerequisite or Priority Level:** Prerequisite – objectives must be set

**Consensus within team:** Yes

**Details:** The Subsequent Procedures Working Group needs to establish clear measurable goals for the Global South in terms of number of applications and even number of delegated strings. This effort should include a definition of the “Global South.”

**Success Measures:** Increased participation by the Global South as demonstrated by increased applications and delegations

# Rec. 43

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**ICANN Org public comment:**

None

**Recommendation:** Set objectives for applications from the Global South

**Rationale/related findings:** Applications were few, but there was no concerted effort to encourage them.

**To:** New gTLD Subsequent Procedures Working Group

**Prerequisite or Priority Level:** Prerequisite – objectives must be set

**Consensus within team:** TBC

**Details:** The Subsequent Procedures Working Group needs to establish clear measurable goals for the Global South in terms of number of applications and even number of delegated strings. This effort should include a definition of the “Global South.”

**Success Measures:** Increased participation by the Global South as demonstrated by increased applications and delegations

**Recommendation:** Expand and improve outreach into the Global South

**Rationale/related findings:** Low understanding of New gTLD Program in the Global South

**To:** ICANN organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** Outreach to the Global South requires a more comprehensive program of conference participation, thought leader engagement and traditional media. This outreach should include cost projections and, potential business models. Furthermore, it is recommended that the outreach program begin significantly earlier to facilitate internal decision-making by potential applicants. The outreach team should compile a list of likely candidates, starting with the work of AMGlobal, and ensure these candidates are part of the outreach effort.

**Success Measures:** Ideally, success would be measured in appreciable growth in applications from the Global South. In the absence of such growth, ICANN should survey entities in the Global South again to determine the sources of the difficulties that continue to be faced by potential applicants.

# Rec. 44

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## **ICANN Org public comment:**

- Clarify if by “expand and improve outreach into the Global South” the CCTRT is referring to outreach on new gTLDs and IDNs, or more broadly about encouraging deeper participation and engagement by representatives of these regions in ICANN’s work.



**Recommendation:** Expand and improve outreach into the Global South

**Rationale/related findings:** Low understanding of New gTLD Program in the Global South

**To:** ICANN organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** TBC

**Details:** Outreach to the Global South requires a more comprehensive program of conference participation, thought leader engagement and traditional media. This outreach should include cost projections and, potential business models. Furthermore, it is recommended that the outreach program begin significantly earlier to facilitate internal decision-making by potential applicants. The outreach team should compile a list of likely candidates, starting with the work of AMGlobal, and ensure these candidates are part of the outreach effort.

**Success Measures:** Ideally, success would be measured in appreciable growth in applications from the Global South. In the absence of such growth, ICANN should survey entities in the Global South again to determine the sources of the difficulties that continue to be faced by potential applicants.

**Recommendation:** Coordinate the pro bono assistance program.

**Rationale/related findings:** Despite the registration of both volunteers and applicants, there is no evidence of interaction.

**To:** ICANN organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** Ideally, the pro bono assistance program would be coordinated by the ICANN organization to ensure that communication is successful between volunteers and applicants.

**Success Measures:** Both volunteers and applicants should be surveyed by the ICANN organization on the success of the interaction between them so that future reforms can be based on better information.

# Rec. 45

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## **ICANN Org public comment:**

- Pro bono assistance program is a topic being discussed in the Subsequent Procedures PDP Working Group, and this recommendation aligns with the current state of discussion in the Working Group.

**Recommendation:** Coordinate the pro bono assistance program.

**Rationale/related findings:** Despite the registration of both volunteers and applicants, there is no evidence of interaction.

**To:** ICANN organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** TBC

**Details:** Ideally, the pro bono assistance program would be coordinated by the ICANN organization to ensure that communication is successful between volunteers and applicants.

**Success Measures:** Both volunteers and applicants should be surveyed by the ICANN organization on the success of the interaction between them so that future reforms can be based on better information.

**Recommendation:** Revisit the Applicant Financial Support Program.

**Rationale/related findings:** Only three applicants applied for support.

**To:** New gTLD Subsequent Procedures Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** The total cost of applying for a new gTLD string far exceeds the \$185K application fee. Beyond efforts to reduce the application fee for all applicants, efforts should be made to further reduce the overall cost of application, including additional subsidies and dedicated support for underserved communities.

**Success Measures:** Greater participation in the applicant support program.

# Rec. 46

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**ICANN Org public comment:**

None

**Recommendation:** Revisit the Applicant Financial Support Program.

**Rationale/related findings:** Only three applicants applied for support.

**To:** New gTLD Subsequent Procedures Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** TBC

**Details:** The total cost of applying for a new gTLD string far exceeds the \$185K application fee. Beyond efforts to reduce the application fee for all applicants, efforts should be made to further reduce the overall cost of application, including additional subsidies and dedicated support for underserved communities.

**Success Measures:** Greater participation in the applicant support program.

**Recommendation:** As required by the October 2016 Bylaws, GAC consensus advice to the Board regarding gTLDs should also be clearly enunciated, actionable and accompanied by a rationale, permitting the Board to determine how to apply that advice. ICANN should provide a template to the GAC for advice related to specific TLDs, in order to provide a structure that includes all of these elements. In addition to providing a template, the Applicant Guidebook (AGB) should clarify the process and timelines by which GAC advice is expected for individual TLDs.

**Rationale/related findings:** The early warnings provided by GAC members helped applicants to improve delegated gTLDs by ensuring that public policy or public interest concerns were addressed, and should continue to be an element of any future expansion of the gTLD space. Applicants could withdraw their applications if they determined that the response or action required to respond to GAC early warning advice was either too costly or too complex and to do so in a timely manner that would permit them to recover 80% of the application cost. Where general GAC advice was provided by means of communiqués to the ICANN Board, it was sometimes not as easy to apply to the direct cases. Applying for a gTLD is a complex and time-consuming process and the initial AGB was amended even after the call for applications had closed. Given the recommendations to attempt to increase representation from applicants from the Global South, it would be appropriate to ensure that the clearest possible information and results from the last round were made available.

**To:** Subsequent Procedures PDP Working Group, GAC, ICANN organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Success Measures:** (none)



## **ICANN Org public comment:**

- Specify what is expected of ICANN organization and each of the stakeholders.
- Explain how it envisions this recommendation aligning with the work of the Board-GAC working group.
- Regarding clarification of the process and timelines by which GAC Advice can be expected for individual TLDs, CCTRT to clarify what is expected of ICANN organization in this part of the recommendation.

**Recommendation:** As required by the October 2016 Bylaws, GAC consensus advice to the Board regarding gTLDs should also be clearly enunciated, actionable and accompanied by a rationale, permitting the Board to determine how to apply that advice. ICANN should provide a template to the GAC for advice related to specific TLDs, in order to provide a structure that includes all of these elements. In addition to providing a template, the Applicant Guidebook (AGB) should clarify the process and timelines by which GAC advice is expected for individual TLDs.

**Rationale/related findings:** The early warnings provided by GAC members helped applicants to improve delegated gTLDs by ensuring that public policy or public interest concerns were addressed, and should continue to be an element of any future expansion of the gTLD space. Applicants could withdraw their applications if they determined that the response or action required to respond to GAC early warning advice was either too costly or too complex and to do so in a timely manner that would permit them to recover 80% of the application cost. Where general GAC advice was provided by means of communiqués to the ICANN Board, it was sometimes not as easy to apply to the direct cases. Applying for a gTLD is a complex and time-consuming process and the initial AGB was amended even after the call for applications had closed. Given the recommendations to attempt to increase representation from applicants from the Global South, it would be appropriate to ensure that the clearest possible information and results from the last round were made available.

**To:** Subsequent Procedures PDP Working Group, GAC, ICANN organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Success Measures:** (none)

**Recommendation:** A thorough review of the procedures and objectives for community based applications should be carried out and improvements made to address and correct the concerns raised before a new gTLD application process is launched. Revisions or adjustments should be clearly reflected in an updated version of the 2012 AGB.

**Rationale/related findings:** Given the assessment carried out by the Ombudsman's Own Motion Report, the results of community-based objections, the Council of Europe report on the human rights perspective of those applications, and the interest raised by the ICANN community regarding the relative lack of success of community-based applications (an area where the ICANN community had intended to provide a special entry for communities to gTLDs of particular interest and use for them), it could be expected that there would be a higher rate of success for community-based applications.

**To:** Subsequent Procedures PDP Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 48

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**ICANN Org public comment:**

None

**Recommendation:** A thorough review of the procedures and objectives for community based applications should be carried out and improvements made to address and correct the concerns raised before a new gTLD application process is launched. Revisions or adjustments should be clearly reflected in an updated version of the 2012 AGB.

**Rationale/related findings:** Given the assessment carried out by the Ombudsman's Own Motion Report, the results of community-based objections, the Council of Europe report on the human rights perspective of those applications, and the interest raised by the ICANN community regarding the relative lack of success of community-based applications (an area where the ICANN community had intended to provide a special entry for communities to gTLDs of particular interest and use for them), it could be expected that there would be a higher rate of success for community-based applications.

**To:** Subsequent Procedures PDP Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** TBC

**Details:** (none)

**Success Measures:** (none)

**Recommendation:** The Subsequent Procedures PDP should consider adopting new policies to avoid the potential for inconsistent results in string confusion objections. In particular, the PDP should consider the following possibilities:

- 1) Determining through the initial string similarity review process that singular and plural versions of the same gTLD string should not be delegated
- 2) Avoiding disparities in similar disputes by ensuring that all similar cases of plural versus singular strings are examined by the same expert panelist
- 3) Introducing a post dispute resolution panel review mechanism

**Rationale/related findings:** From a review of the outcome of singular and plural cases, it would appear that discrepancies in outcomes arose because the Dispute Resolution Service Provider (DRSP) process allowed for different expert panelists to examine individual cases, although they were based on similar situations. This meant that different expert panelists could come to different conclusions in cases that otherwise might have been considered to have similar characteristics.

ICANN Program Implementation Review 2016 found that there was no recourse after the decision taken by an expert panel. Given that there appear to be inconsistencies in the outcomes of different dispute resolution panels, it would be useful to ensure a review mechanism.

There appear to be inconsistencies in the outcomes of different dispute resolution panels regarding singular and plural versions of the same word, which a priori (and according to the GAC advice of 2013) should be avoided in order to avoid confusing consumers.

**To:** Subsequent Procedures PDP Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** No string confusion objections are filed for cases of singular and plural versions of the same string. Or, should singular and plural versions be allowed, objection panels evaluate all such cases with a consistent approach such that all single or plural disputes are resolved in the same manner.

# Rec. 49

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**ICANN Org public comment:**

None



**Recommendation:** The Subsequent Procedures PDP should consider adopting new policies to avoid the potential for inconsistent results in string confusion objections. In particular, the PDP should consider the following possibilities:

- 1) Determining through the initial string similarity review process that singular and plural versions of the same gTLD string should not be delegated
- 2) Avoiding disparities in similar disputes by ensuring that all similar cases of plural versus singular strings are examined by the same expert panelist
- 3) Introducing a post dispute resolution panel review mechanism

**Rationale/related findings:** From a review of the outcome of singular and plural cases, it would appear that discrepancies in outcomes arose because the Dispute Resolution Service Provider (DRSP) process allowed for different expert panelists to examine individual cases, although they were based on similar situations. This meant that different expert panelists could come to different conclusions in cases that otherwise might have been considered to have similar characteristics.

ICANN Program Implementation Review 2016 found that there was no recourse after the decision taken by an expert panel. Given that there appear to be inconsistencies in the outcomes of different dispute resolution panels, it would be useful to ensure a review mechanism.

There appear to be inconsistencies in the outcomes of different dispute resolution panels regarding singular and plural versions of the same word, which a priori (and according to the GAC advice of 2013) should be avoided in order to avoid confusing consumers.

**To:** Subsequent Procedures PDP Working Group

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** No string confusion objections are filed for cases of singular and plural versions of the same string. Or, should singular and plural versions be allowed, objection panels evaluate all such cases with a consistent approach such that all single or plural disputes are resolved in the same manner.

**Recommendation:** A thorough review of the results of dispute resolutions on all objections should be carried out prior to the next CCT review.

**Rationale/related findings:** Given inconsistencies of outcome of some similar cases, the fact that three different tribunals reviewed four different kinds of objections, that there was no right of appeal following the outcome of those findings and the particular case of community objections, it is important that a full, analytical review be carried out of the overall process.

**To:** Subsequent Procedures PDP Working Group

**Prerequisite or Priority Level:** Low

**Consensus within team:** Yes

**Details:** (none)

**Success Measures:** (none)

# Rec. 50

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**ICANN Org public comment:**

None

**Recommendation:** A thorough review of the results of dispute resolutions on all objections should be carried out prior to the next CCT review.

**Rationale/related findings:** Given inconsistencies of outcome of some similar cases, the fact that three different tribunals reviewed four different kinds of objections, that there was no right of appeal following the outcome of those findings and the particular case of community objections, it is important that a full, analytical review be carried out of the overall process.

**To:** Subsequent Procedures PDP Working Group

**Prerequisite or Priority Level:** Low

**Consensus within team:** TBC

**Details:** (none)

**Success Measures:** (none)

**Recommendation:** Consider directing ICANN org, in its discussions with registries, to negotiate amendments to existing Registry Agreements, or in negotiations of new Registry Agreements associated with subsequent rounds of new gTLDs, to include provisions in the agreements to provide incentives, including financial incentives, to registries, especially open registries, to adopt proactive anti-abuse measures.

**Rationale/related findings:** The new gTLD safeguards alone do not prevent technical abuse in the DNS. Abuse rates are correlated to registration restrictions imposed on registrants and registration prices may influence rates too. Some registries are inherently designed to have strict registration policies and/or high prices. However, a free, open, and accessible Internet will invariably include registries with open registration policies and low prices that must adopt other measures to prevent technical DNS abuse. Registries that do not impose registration eligibility restrictions can reduce technical DNS abuse through proactive means such as identifying repeat offenders, monitoring suspicious registrations, and actively detecting abuse instead of merely waiting for complaints to be filed. Therefore, ICANN should incentivize and reward the implementation of proactive anti-abuse measures by such registry operators to reduce technical DNS abuse in open gTLDs.

**To:** The ICANN Board, the Registry Stakeholders Group, the Registrar Stakeholders Group, the Generic Names Supporting Organization and the Subsequent Procedures PDP WG

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** (none)

**Details:** The ICANN Board should consider urging ICANN org to negotiate with registries to include in the registry agreements fee discounts available to registry operators with open registration policies that implement proactive measures to prevent technical DNS abuse in their zone.

**Success Measures:** (none)

**Recommendation:** Consider directing ICANN org, in its discussions with registrars and registries, to negotiate amendments to the Registrar Accreditation Agreement and Registry Agreements to include provisions aimed at preventing systemic use of specific registrars for technical DNS abuse.

**Rationale/related findings:** Current policies focus on individual abuse complaints. However, registrars and registry operators associated with extremely high rates of technical DNS abuse continue operating and face little incentive to prevent technical DNS abuse. Moreover, there currently exist few enforcement mechanisms to prevent systemic domain name abuse associated with resellers. Systemic use of particular registrars and registries for technical DNS abuse threatens the security and stability of the DNS, the universal acceptance of TLDs, and consumer trust.

**To:** The ICANN Board, the Registry Stakeholders Group, the Registrar Stakeholders Group, the Generic Names Supporting Organization and the Subsequent Procedures PDP WG

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes



**Details:** The ICANN Board should consider directing ICANN org to negotiate amendments to the Registrar Accreditation Agreement and Registry Agreement provisions aimed at preventing systemic use of specific registrars for technical DNS abuse. Such language should impose upon registrars, and their affiliated entities such as resellers, a duty to mitigate technical DNS abuse, whereby ICANN may suspend registrars and registry operators found to be associated with unabated, abnormal and extremely high rates of technical abuse. ICANN must base such findings on multiple verifiable reliable sources and such findings may be rebutted by the registrar upon sufficient proof that the findings were inaccurate. The following factors may be taken into account when making a determination: whether the registrar or registry operator 1) engages in proactive anti-abuse measures to prevent technical DNS abuse, 2) was itself a victim in the relevant instance, 3) has since taken necessary and appropriate actions to stop the abuse and prevent future systemic use of its services for technical DNS abuse.

**Success Measures:** (none)

**Recommendation:** Further study the relationship between specific registry operators, registrars and DNS abuse by commissioning ongoing data collection, including but not limited to, ICANN Domain Abuse Activity Reporting (DAAR) initiatives. For transparency purposes, this information should be regularly published in order to be able to identify registries and registrars that need to come under greater scrutiny and higher priority by ICANN Compliance. Upon identifying abuse phenomena, ICANN should put in place an action plan to respond to such studies, remediate problems identified, and define future ongoing data collection.

**Rationale/related findings:** The DNS Abuse Study commissioned by the CCT-RT identified extremely high rates of abuse associated with specific registries and registrars as well as registration features, such as mass registrations, which appear to enable abuse. Moreover, the Study concluded that registration restrictions correlate with abuse, which means that there are many factors for which to account in order to extrapolate cross-TLD abuse trends for specific registry operators and registrars. The DNS Abuse Study has highlighted certain behaviors that are diametrically opposed to encouraging consumer trust in the DNS. Certain registries and registrars appear to either positively encourage or at the very least willfully ignore DNS abuse. Such behavior needs to be identified rapidly and action must be taken by ICANN compliance as deemed necessary.

**To:** The ICANN Board, the Registry Stakeholders Group, the Registrar Stakeholders Group, the Generic Names Supporting Organization and the Subsequent Procedures PDP WG, SSR2 Review Team.

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** The additional studies need to be of an ongoing nature, collecting relevant data concerning DNS abuse at both the registrar and registry level. The data should be regularly published, thereby enabling the community and ICANN compliance in particular to identify registries and registrars that need to come under greater compliance scrutiny and thereby have such behavior eradicated.

**Success Measures:** (none)

**Recommendation:** A DNS Abuse Dispute Resolution Policy ("DADRP") should be considered by the community to deal with registry operators and registrars that are identified as having excessive levels of abuse (to define, e.g. over 10% of their domain names are blacklisted domain names). Such registry operators or registrars should in the first instance be required to a) explain to ICANN Compliance why this is, b) commit to clean up that abuse within a certain time period, and / or adopt stricter registration policies within a certain time period. Failure to comply will result in a DADRP, should ICANN not take any action themselves.

**Rationale/related findings:** The DNS Abuse Study commissioned by CCT-RT identified extremely high rates of abuse associated with specific registries. It is important to have a mechanism to deal with this abuse, particularly if it's prevalent in certain registries. Abusive behavior needs to be eradicated from the DNS and this would provide an additional arm to combat that abuse.

**To:** The ICANN Board, the Registry Stakeholders Group, the Registrar Stakeholders Group, the Generic Names Supporting Organization, the Subsequent Procedures PDP WG and the SSR2 Review Team

**Prerequisite or Priority Level:** High

**Consensus within team:** Majority consensus but not unanimity (see Minority Statement in [Appendix 6.1 Minority Statements](#))

**Details:** ICANN Compliance is one route to dealing with this high level of DNS abuse, enforcing existing and any amendments to the Registrar Accreditation Agreement to prevent systemic use of specific registrars for technical DNS abuse as per Recommendation 2. However, in addition, a specific DADRP should be considered as it could also be very helpful in dealing with such DNS abuse, and it could also serve as a significant deterrent and help prevent or minimize such high levels of DNS abuse. Registry operators or registrars that are identified as having excessive levels of abuse (to be defined, for example where a registry operator has over 10% of their domain names blacklisted by one or more heterogeneous blacklists (StopBadware SDP, APWG, Spamhaus, Secure Domain Foundation, SURBL and CleanMX). A DADRP should set out specific penalties. Examples from the DNS Abuse Study of new gTLDs with over 10% of their domain names blacklisted, according to Spamhaus for example are .SCIENCE (51%), .STREAM (47%), .STUDY (33%), .DOWNLOAD (20%), .CLICK (18%), .TOP (17%), .GDN (16%), .TRADE (15%), .REVIEW (13%), and .ACCOUNTANT (12%). Thus, each of these registries should be obliged to review their second level domain names being used for DNS abuse and explain why this is, commit to cleaning these up within a certain timeframe, and adopt stricter registration policies if necessary to ensure that there exist relevant contractual terms to effectively handle such registrations. If the domain names at issue are not cleaned up satisfactorily, and in the event ICANN does not take immediate action, then a DADRP may be brought by an affected party. The process should involve a written complaint to the registry, time allotted for a response from the registry, and an oral hearing. Final decisions should be issued by an expert panel which could recommend one or more enforcement mechanisms to be agreed upon by the community.

For purposes of this recommendation, a registrar acting under the control of a registry operator would be covered by the DADRP so it is important to ensure that “registry operator” shall include entities directly or indirectly controlling, controlled by, or under common control with, a registry operator, whether by ownership or control of voting securities, by contract or otherwise where ‘control’ means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of an entity, whether by ownership or control of voting securities, by contract or otherwise.

**Success Measures:** (none)

# Summary

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## Approved:

- Rec. 1 Approved for final report

## Sent for Public Comment:

- Rec. 5, 40, 41, 42 have been updated and will be sent for public comment in November

## Consolidations suggested:

- Rec. 7-8
- Rec. 10, 40, 41, 42
- Rec. 12-24
- Rec. 13-15-33
- Rec. 17-18
- Rec. 19-34
- Rec. 21-22-23
- Rec. 25-26-27-28-29-30
- Rec. 31-32
- Rec. 35-36
- Rec. 37-38-39

## Updated not approved yet:

- Rec. 9, 14, 16

## No Updates at this stage:

Rec. 2, 3, 4, 6, 10, 11, 20, 43,44, 45, 46, 47, 48, 49, 50