

Recommendation 16:

ICANN should collect data in conjunction with its related data collection activities on the impact of restrictions on who can buy domains within certain new gTLDs (registration restrictions)¹ 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 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 register domains with no registration restrictions.² 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.

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

¹ *E.g., requirements that registrants possess the credential necessary for highly regulated domains or other domains imposing restrictions on who can buy a domain.*

² SADAG Study at 25.

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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.

Measures of Success: 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. ▼

To: ICANN organization

Prerequisite or Priority Level: Low

Consensus within team: Yes

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