

RDS Purpose: Technical Issue Resolution
DT1 Answers to Questions – First Draft for DT Review

From latest Working Draft:

<https://community.icann.org/download/attachments/79432604/KeyConceptsDeliberation-WorkingDraft-13Feb2018.pdf>

WG Agreement #46:

Technical Issue Resolution for issues associated with Domain Name Resolution is a legitimate purpose, based on the following definition: *Information collected to enable contact of the relevant contacts to facilitate tracing, identification and resolution of incidents related to issues associated with domain name resolution by persons who are affected by such issues, or persons tasked (directly or indirectly) with the resolution of such issues on their behalf.*

WG Agreement #47:

The following information is to be collected for the purpose of Technical Issue Resolution associated with Domain Name Resolution:

- Technical Contact(s) or (if no Technical Contact is provided) Registrant Contact(s),
- Nameservers,
- Domain Status,
- Expiry Date and Time,
- Sponsoring Registrar

Developed through deliberation on DT1 Output (November 2017):

<https://community.icann.org/download/attachments/74580012/DT1%20-%20TechIssues-Research-final.pdf>

1. Who associated with the domain name registration needs to be identified and/or contacted for the purpose of Technical Issue Resolution?

Entities who observe or are affected by technical issues associated with a domain name need to contact domain contacts who are the entities tasked (directly or indirectly) with evaluating and solving such issues. These problems may include failure of services associated with the domain (such as email or a web site), failures or errors in DNS resolution, etc. Abuse often involved a technical issue, such as when phishing sites are placed on a compromised domain or malware infects the domain's server, and such cases are often approached and resolved via similar paths as service failures.

The contacted party may be the domain name's current "owner (the Registrant (reached directly), the domain name's current user (the customer of a Privacy/Proxy provider, reached by relay through the PP), or a party designated by the Registrant as being tasked with resolution of technical issues associated with the domain name registration (i.e. an Administrative or Technical contact).

For various legal and practical purposes, note that:

1. The Registrant is the party ultimately responsible for the domain name.
2. Some registrants have the resources to designate other parties who have responsibility or expertise to resolve the underlying problems. IN some cases registrars offer to act as teh Technical Contact for a domain,
3. In some cases the delegated contact may need the authorization of the Registrant in order to make a fix.

Comment [1]: The issue is not whether or not registrants may WISH to be contacted -- they often don't know there is a problem on their domain. Instead, the issue is that people observe problems and then need to reach out to the domain contacts. I've updated this paragraph accordingly.

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At the same time, if the issue cannot be rectified via contact with the above parties, the domain's sponsoring registrar (the entity where the domain name is currently registered) may also be contacted in an effort to reach affected parties. In some cases the sponsoring registrar is also the domain's hosting, DNS, and/or email provider. Outreach to the sponsoring registrar. For example, this may may be also be necessary if the problem with domain name resolution interferes with successful email delivery to intended recipient. Contacting the sponsoring registrar in cases of security problems such as phishing attacks is also reasonable and practical, because such problems cause harm and are important to report and resolve in a as timely a fashion as possible.- Outreach to registrars might increase under GDPR, which will reduce or eliminate the availability of domain contact data. Some parties performing outreach may not have the necessary knowledge to determine the hosting provider of a domain, but may be able to learn the registrar's identity via a WHOIS (RDS) query.

Question from WG call for DT to answer: Is the entity you want to reach for technical issue resolution sometimes or always the account holder because they have control over the domain name registration?

2. What is the objective achieved by identifying and/or contacting each of those entities?

The party initiating contact (e.g., abuse responder / reporter, IT professional, users of the domain name, or website operator) often has an interest in the issue being resolved (e.g., mitigating abuse, reestablishing connectivity or availability of systems and services associated with the domain name).

The entity being contacted for this purpose often wishes to be contacted for the same reasons and is benefitted. In many cases, the entity (an individual or business) delegates responsibility for technical issue resolution to another entity with expertise needed to resolve the underlying problems (e.g., update nameservers, investigate the root cause for an unreachable website or mail server or compromised system).

Questions from WG call for DT consideration:

- *Is an objective having the ability to contact someone associated with the domain name registration who can quickly surmise and solve technical issues associated with the domain name such as botnets, email storms, etc?*
- *If an entity does wish to respond to contact attempts, that may be its prerogative, irrespective of the reason for the contact attempt. To the extent entities are not contactable, larger players may already know who to contact; they may or may not depend on WHOIS. Smaller players and outsiders will be impacted more if contact information is not provided through RDS. Privacy is important, but so is security and stability -- if we achieve privacy but break the internet, that is not a desirable outcome.*

3. What might be expected of that entity with regard to the domain name?

A domain contact will often have an obvious self-interest in fixing the issue.

The Internet is a connected system of networks and resources. Parties who control and operate such resources are generally expected to not allow the use of their resources in ways that allow harm to others.

The domain contact~~contacted entity~~ may or may not have an~~usually has no~~ legal obligation to respond to communication or to investigate the problem:-

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- A registrant may have an obligation depending upon what laws or legal obligations it is under. Examples include regulatory or breach notification laws; r contracts containing such obligations, including domain registration agreements; and contributory negligence liabilities.
- A proxy/privacy provider may have notification and communication obligations, per contracts and per forthcoming ICANN Consensus Policy (<https://gnso.icann.org/en/issues/raa/ppesai-final-07dec15-en.pdf>). Per the 2013 RAA, P/P Providers operated by registrars are required to publish "The circumstances under which the P/P Provider will relay communications from third parties to the P/P Customer" and "shall publish a point of contact for third parties wishing to report abuse".
- Per the 2013 RAA, gTLD registrars must maintain a dedicated abuse contact to receive reports of abuse involving Registered Names sponsored by Registrar, and Registrar shall publish on its website a description of its procedures for the receipt, handling, and tracking of abuse reports. Registrars must also "document its receipt of and response to all such reports."

When ~~However, when~~ a domain ~~Technical~~ ~~C~~contact has been tasked with technical issue resolution, the registrant may expect the ~~T~~technical ~~C~~contact to have rights needed to update registration data associated with the domain name or systems using the domain name, and/or take actions that lead to resolution.

Question from WG call for DT to consider: Is the party making contact trying to alert the people managing the domain that they have a problem that would be to their benefit to resolve or is the party making contact trying to get attention to a problem that it has?