# 6   Appendices

## 6.1      Minority Views on DNS Abuse Paper, rec. 4

While the CCT-RT has been able to achieve unanimous support for most of our recommendations, some members of the RT disagree with the proposal to create a DNS Abuse Dispute Resolution Procedure (DADRP). This statement documents the various rationales for this disagreement:

1.  The CCT-RT adopted as a guiding principle that our analysis and recommendations would be based on data.  However, there is simply no data supporting the idea of a DADRP.  There is nothing to indicate that registry operators are responsible (either directly or indirectly) for abuse within their TLDs; no data that ICANN compliance is incapable of enforcing contractual requirements; and no data indicating that DNS abuse from certain TLDs is targeted at specific third parties who might initiate a DADRP.  This recommendation is therefore inconsistent with the data-driven model of the CCT-RT.

2.  If anything, the DNS abuse report makes it clear that attempting to mitigate DNS abuse through DNS registries is misguided and ineffective.  None of the safeguards required of new gTLD operators appear to have had any effect in reducing the prevalence of abuse, and one of them (DNSSEC adoption) actually appears correlated with *increased* abuse.  The fact that abuse prevention through DNS registries is ineffective should not be surprising since registries have no direct relationship with registrants and no mechanism other than suspending a domain (which is not the appropriate approach in all cases) to address abuse.  A DADRP that seeks to punish registries for behavior they have no control over by registrants that they have no relationship to is fundamentally misguided and will not address DNS abuse.

3.  To the extent that there is a concern that ICANN Compliance may be ineffective at enforcing registries' contractual obligations, the solution should be to improve ICANN Compliance rather than creating a new dispute resolution procedure.  Improving ICANN compliance has the benefit of addressing issues across the entire range of registries' and registrars' contracts, whereas the creation of this DADRP at best improves enforcement in one particular area.  Creating unique dispute resolution procedures for different portions of the contract is inherently not scalable, as it is not possible to do so for every major component of the contract.  Just as importantly, this approach creates a great amount of uncertainty for contracted parties who may find that even though ICANN has investigated an issue and found that they are in compliance with the contract, a third party now disagrees with that assessment and can launch a costly and complex dispute procedure of their own.

4.  While DNS abuse is an important topic, the charter of the CCT-RT is only to "examine (A) the extent to which the expansion of gTLDs has promoted competition, consumer trust and consumer choice and (B) the effectiveness of the New gTLD Round's application and evaluation process and safeguards put in place to mitigate issues arising from the New gTLD Round".  It is therefore within our scope to review the existing safeguards put in place in the 2012 round, but not to develop completely new mechanisms to address DNS abuse.

*Jordyn Buchanan, Carlos Raul Gutierrez, Carlton Samuels, Waudo Siganga*

# 6.2      Individual Statement

Jonathan Zuck
Chairman, CCT-RT

Drew Bagley
Leadership, CCT-RT

October 25, 2017
Re: Submission of draft recommendation for public comment period

Dear CCT-RT Chairman Zuck,

I present for your awareness and broader consideration by the Competition, Consumer Trust and Consumer Choice Review Team (CCT-RT) and the Community, a draft recommendation (hereinafter "Recommendation 5") related to the CCT-RT's findings in the present draft chapter on DNS abuse. Recommendation 5 was not included in the chapter prepared for public comment because the CCT-RT did not have time to adequately discuss, analyze, or determine whether to adopt the recommendation prior to the public comment period. Nonetheless, I request that you please present Recommendation 5 as an addendum to the draft report so that the Community is aware of this potential recommendation and afforded adequate opportunity to provide feedback that may guide the CCT-RT's future analysis of the proposal.

Sincerely,

Drew Bagley


**Recommendation 5**: ICANN should collect data about and publicize the chain of parties responsible for gTLD domain name registrations.

**Rationale/Related Findings**: At present, there is no consistent mechanism for determining all of the ICANN contracted and non-contracted operators associated with a gTLD domain name registration. Whois records often do not distinguish between registrars and resellers. The DNS Abuse Study commissioned by the CCT-RT, for example, was unable to discern resellers from registrars to determine the degree to which technical DNS abuse rates may be driven by specific-resellers may affect levels of technical DNS abuse. This data should be available to enhance data-driven determinations necessary for recommendations proposed the CCT-RT, supplement new gTLD program safeguards, and improve ICANN Contractual Compliance determinations.

**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, Registration Directory Service Review Team
Prerequisite or Priority Level: High
Consensus within team: ???

**Details**: Whois information is an important source of data for technical DNS abuse analysis. Safeguards, such as the Thick Whois requirements, do not mandate that resellers are listed in Whois records. Consequently, the full chain of parties to a registration transaction is not readily discernable. Without such information, it is difficult to determine the extent to which technical abuse is correlated to individual resellers, rather than registrars. For example, with

such data obfuscated, it would be possible for a reseller associated with extremely high levels of abuse to remain in operation under a registrar with relatively normal levels of technical abuse. This would, in effect, permit systemic technical abuse by a non-contracted party, though bound by flow down requirements, to go unabated. Whereas, collecting and publicizing such information would enable end users to readily determine the registry, registrar, and reseller associated with a domain name registration to remove the opaqueness of parties responsible for mitigating technical DNS abuse. This would allow for more granular DNS abuse analysis and transparency for Internet users, thereby enhancing community accountability efforts, and contractual compliance enforcement.