

# Staff Report of Public Comment Proceeding

## Competition, Consumer Trust, and Consumer Choice Review Team (CCT-RT) Accepted Recommendations – Plan for Implementation and Next Steps

<b>Publication Date:</b>	11 December 2019																		
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### Section I: General Overview and Next Steps

The [plan for implementation](#) submitted for public is in furtherance of Board resolution [2019.03.01.03](#) to accept Competition, Consumer Trust, and Consumer Choice Review Team (CCT-RT) recommendations 1, 17, 21, 22, 30, 31, subject to costing and implementation considerations.

For each of the accepted recommendations, the [plan for implementation](#) contains information such as a description of the activities proposed to be carried out, estimated duration, resource requirements (including funding source), dependencies, and other elements, where available and possible.

The Board directed that costing and implementation considerations are "needed in order for the Board to fully understand the resource and costing impact before committing to spend ICANN resources. These considerations will also contribute to an understanding of how the resources allocated to any specific recommendations (or suite of recommendations) support ICANN in serving its Mission and the public interest, including what projects or work need to be traded off within ICANN in order to fund the work identified to meet the CCT-RT recommendations."

The Board intends to consider the proposed plan for implementation as well as community feedback received on the proposed path forward and considerations specific to each recommendation. This will allow for the Board to understand how resources allocated to specific recommendations support ICANN in serving its Mission in the public interest, including what projects or work need to be traded off within ICANN in order to fund the work identified to meet the CCT-RT recommendations.

Community input is essential to determine whether the path suggested to implement the CCT-RT recommendation is reasonable in the context of the intent of CCT-RT. This plan for implementation sets out the approach for future implementation of accepted recommendations and assemble estimates that are directional for understanding.

Community feedback on the implementation of accepted recommendations is summarized within the staff summary report. After consideration, the ICANN Board will direct ICANN org to proceed to implementation as appropriate, including any adjustments the input received through the Public Comment proceeding may potentially prompt. Implementation work, where no significant incremental costs and resources are needed will begin immediately thereafter. CCT recommendations that require significant resources and budget will be included into the FY21-25 operational planning and budgeting process, which – per the process in place and in accordance with ICANN's accountability and transparency commitments – will be made available for Public Comment. The call for input on the FY21-25 Operational Plan and Financial Plan is planned for December 2019 and will allow the community to consider how the implementation of CCT recommendations fits into all other planned work, allowing for prioritization within the broader context.

## Section II: Contributors

*At the time this report was prepared, a total of five community submissions had been posted to the forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.*

### Organizations and Groups:

Name	Submitted by	Initials
Business Constituency	Steve DelBianco	BC
Government Advisory Committee	Benedetta Rossi	GAC
Registries Stakeholder Group	Samantha Demetriou	RySG
Registrar Stakeholder Group	Zoe Bonython	RrSG
Intellectual Property Constituency	Brian Scarpelli	IPC

### Individuals:

Name	Affiliation (if provided)	Initials
N/A		

## Section III: Summary of Comments

*General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this Public Comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).*

Of the five (5) comments filed, one (1) was submitted by each of the following: Business Constituency, Government Advisory Committee, Registries Stakeholder Group, Registrars Stakeholder Group and Intellectual Property Constituency.

All of the commenters responded with feedback regarding the proposed approach for implementation for six of the board accepted CCT-RT recommendations.

The comments are organized under the (6) recommendations that were the focus of the request for Public Comment. A summary of comments and a section of additional comments was added to cover public input that fell outside the scope of the six recommendations.

A summary of the comments with excerpts follows:

### **Summary of comments:**

#### **General:**

**BC** – “The BC reviewed ICANN Org’s outlines regarding identified deliverables, milestones for implementation activity, and measures of success, and finds them to be satisfactory. The BC applauds staff’s ambitious yet realistic timelines and encourages implementation work to commence as soon as practical.”

“...the BC sincerely hopes the ICANN Board will act expeditiously on adoption of the remaining review team recommendations, as many are absent from the Plan for Implementation.” “From the CCT-RT report it is clear that new gTLD safeguards alone did not prevent DNS abuse and have consequently failed to meet their intended goal to prevent the abuse phenomenon from spreading to new gTLDs. In particular, the CCT-RT was clearly concerned by the high levels of DNS abuse concentrated in a relatively small number of registries and registrars and geographic regions.”

The BC provided an addition comment on their “Position Regarding Reviews of the Previous gTLD Expansion

- The BC reminds ICANN that, since this comment concerns a formal review, our position regarding reviews of previous gTLD expansion holds from our 10 September 2019 comment, which read, in part: Before opening the next round, all previously committed reviews of the prior round should be completed, and recommendations from those reviews should be approved by the ICANN Board. While some of these recommendations may be implemented after the next round opens, the timeline must be such that recommendations are implemented before the domain delegation phase.”

**GAC** – Presented its concern with the outcome of the Board’s consideration of the majority of the CCT Review Team consensus recommendations, which to date are still in pending status. The GAC noted that the CCT review is the first completed Bylaw-mandated review after the IANA Stewardship Transition and serves as a vital accountability mechanism. As the GAC previously noted, it considered several topics, findings and recommendations in the CCT final report as having a vital role in the public policy responsibilities of ICANN. The GAC urged the Board to promptly meet with the CCT Review Team leadership to discuss the Board’s resolution and consider the possibility of revisiting certain decisions if agreed appropriate. Although these discussions took place, thus far the Board has not updated its resolution to accept additional recommendations. As the GAC considers that many pending Recommendations relate to public policy issues, including DNS Abuse, the GAC encourages the Board and the Review Team to consider what steps need to be taken to progress on the majority of recommendations that still remain in the “pending” status.

**RySG** – RySG reminded that in its prior comments, it “expressed concerns with the overbroad nature of many of the CCT-RT’s recommendations, both in terms of how they relate to ICANN’s role/remit and the feasibility (including cost) of implementing them. We urged the Board to balance the perceived benefit of certain recommendations such as data gathering and studies against the anticipated costs of fulfilling those recommendations, and we repeat that same urging to ICANN Org when it comes to the implementation plan for the Board-adopted recommendations. To that end, we are somewhat concerned with the statement in the Implementation Plan that ICANN does not intend to provide budget plans until implementation is underway.”

**RrSG** – “...supports the response from the Registry Stakeholder Group (RySG) to the CCT-RT Accepted Recommendations – Plan for Implementation and Next Steps.”

**IPC** – “IPC strongly encourages ICANN to ensure that it does not utilize the important opportunity that the CCT Review Team’s recommendations offer to simply maintain ICANN’s status quo. ICANN should reinforce its commitment to implementing the CCT Review Team’s consensus Implementation Plan and to improve its means of data collection to support the CCT Review Team’s Final Report and Recommendations.”

### **Board-accepted recommendations**

**Recommendation #1:** - Formalize and promote ongoing data collection. ICANN should collect data about and publicize the chain of parties responsible for gTLD domain name registrations.

**BC** – “The BC stresses that such a recommendation cannot be implemented on its own so as to properly assess the extent to which the introduction of new gTLDs has promoted competition, consumer trust and consumer choice in the domain name system, because Recommendation 1

- is a general framework recommendation that was meant to be read in light of the specific data collection recommendations as the data collection's model true potential, and the CCT-RT's mission can only be achieved if there is the required data readily available for analysis. Recommendation 1 is futile and not fully useful without the implementation of active collection of additional data;
- facilitates the collection of ongoing data, though the CCT review team repeated on numerous occasions that the most significant limitations they faced was the almost total lack of information and data in some areas. This therefore calls for:
  - the specific collection of additional data called for by recommendations (2, 3, 4, 5, 7, 23, 24, 26) and;
  - additional means to collect data such as:
    - partnering with mechanisms and entities involved with the collection of TLD data (as called for by Recommendations 6) and;
    - conducting periodic surveys with registrants that gather objective and subjective information with a goal of creating concrete and actionable information (as called for by Recommendation 8)
      - In its analysis, the team found that the surveys that did exist did not define the terms sufficiently and contained very few questions. Therefore, it would be imperative that Recommendation 8 be read in line with Recommendation 11, which recommends partnering with survey experts to create new and review past surveys. “

**RySG** – “The RySG is pleased to see that opportunities for community consultation is built into implementation plan. Regarding the implementation plan itself, we note that it will be very important to properly integrate this project with ICANN’s budget and prioritize it appropriately within context of other efforts. Additionally, to reiterate a point raised in our earlier comments, the RySG believes that whatever mechanism that ultimately gets launched should include the ability to evaluate necessity/usefulness of proposed data gathering efforts.”

**IPC** – “The IPC supports establishing a data functions model to facilitate and promote ongoing data collection but should coordinate with and build on other data collection-related recommendations.”

**Recommendation #17:** - ICANN should collect data about and publicize the chain of parties responsible for gTLD domain name registrations.

**BC** – Considers that recommendation 17 was accepted because they were considered by the Board as already consistent with some policies or already part of other processes. More specifically, that recommendation 17 is already consistent with current policy requirements and no further implementation work is planned by ICANN org at this time. The BC noted the Board’s statement that “the CCT-RT addressed this recommendation to a number of community groups. The Board notes that to the extent these groups may produce policy outcomes that impact this work, those will be taken into account when appropriate.” Therefore, it is BC’s understanding that the accepted Recommendation 17 is in fact “pending” or “passed through to the noted parts of the community.”

**GAC** – The GAC noted “Although the ICANN Board accepted this recommendation, the proposed implementation plan is not robust. ICANN currently engages in efforts to curtail DNS Abuse, including such initiatives as the Domain Abuse Activity Reporting System and Identifier Technology Health Indicator, among others. Consistent with these efforts, ICANN should take a more active role in educating the community about why this information is necessary in order to track and publish information about DNS Abuse, and spearhead community discussions directed to requiring contracted parties to collect and publish this information in order to promote increased transparency and accountability.”

**RySG** – “The RySG has had concerns about this recommendation as reflected in our previous comments, and therefore supports ICANN not taking further implementation action.”

**IPC** - Offers support for the implementation approach in recommendation 17 in concept but notes that more information is required for assessment of this recommendation. IPC found the recommendation to be consistent with existing ICANN policies or already part of other ICANN processes, and IPC agrees that it is currently “pending” or “passed through to the noted parts of the community.”

**Recommendation #21:** - 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) the class/type of abuse; (2) the gTLD that is target of the abuse; (3) the safeguard that is at risk; (4) an indication of whether complaints relate to the protection of sensitive health or financial information; (5) what type of contractual breach is being complained of; and (6) resolution status of the complaints, including action details. These details would assist future review teams in their assessment of these safeguards.

**BC** - The BC highlighted its previous comment on the subject of DNS Abuse in its 26 November 2018 comment:

*“BC supports the continued exploration of the impact of abuse and safeguards to curb abuse on the new gTLD program including through contractual negotiations with registries and registrars, improved public reporting through DAAR or other initiatives, enhanced user education, and the use of incentives, as described above. BC particularly supports the proposed approach to address contracted parties whose rates of abuse are found to dramatically exceed the normal range. As recommended in our prior comments, contracted parties whose abuse rates were sufficiently high to suggest that they were complicit in the abuse being carried out could “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.” The CCT’s proposal to set specific thresholds to identify abusive TLDs and launch inquiries should allow ICANN Compliance to take meaningful action against registry operators that are unwilling or unable to address abuse within their TLD.”*

The BC underlined the input from the Governmental Advisory Committee (GAC) about the importance of addressing DNS abuse “Protecting the public from security threats and DNS Abuse is an important public policy issue.” The BC indicated that it “concur, and urges the community to take a proactive footing toward combating this increasing problem.”

BC continued their comment: “DNS abuse, of course, has not gone without community notice as the issue of DNS abuse has become more acute. ICANN Org facilitated at least three discussions on abuse in 2019, and there is a major cross-community discussion scheduled for ICANN66 in Montreal. The BC looks forward to contributing to that discussion, and to the assertive effort necessary to implement CCT-RT Recommendation 21.”

“Some of the items within Recommendation 21 are already part of ICANN Contractual Compliance Department’s reporting process.

- However, item 2 of Recommendation 21 (‘the gTLD that is target of the abuse’), which is not already part of ICANN’s Contractual Compliance department’s reporting process, has not been implemented. As stated by the Board, this is because (1) Compliance has not published domain names or TLDs specifically in Compliance reports in the past and (2) ‘this would be similar to publication of Domain Abuse Activity Reporting (DAAR) data by TLD’.
- The Board thus directed ICANN org to investigate potential negative impacts of implementing this item on enforcement of compliance and decreed that more discussion and alignment within the org and/or community is required on how to approach publishing such information.

- It seems to the BC that the issue thus lies not with the content being published but with the fact that it is already published by the DAAR.”

**GAC** – The GAC encourages “ICANN to proceed expeditiously with complete implementation of this recommendation. Although, ICANN lists reaching a ‘common understanding of DNS Abuse’ as a dependency for this effort, we do not agree. ICANN Compliance already lists certain categories of Abuse in its Monthly Dashboards (such as, among others, counterfeiting, fraudulent/deceptive practices, phishing/pharming, spam, trademark/copyright infringement). The submitter of the complaint identifies the abuse complained of and ICANN Compliance ultimately decides if the complaint falls within the scope of ICANN contracts and whether the complaint is well-grounded. None of these actions requires a common understanding of DNS Abuse. Publishing the gTLD that is the target of DNS Abuse will provide greater transparency and accountability for the community as it seeks to understand the targets of DNS Abuse and what measures might succeed in reducing the incidents of DNS Abuse. “

**RySG** – “The RySG would like to point out that per the CCT-RT Final Report, this recommendation only pertains to sensitive and regulated gTLD strings (see pp. 111 and 112 of the Final Report). This fact is very much lost in the draft Implementation Plan and we urge ICANN to take steps to make the limited scope of this recommendation and subsequent implementation clear.

We note that the Implementation Plan includes a phase where ICANN Org will consult with relevant community members about whether or not to publish the gTLDs that are targets of abuse. In addition to this, the RySG encourages ICANN to also discuss with stakeholders the suggestion of publishing the resolution stats of complaints, particularly how such information would be communicated in reports. The ‘resolution status’ can be a complex and nuanced – not to mention evolving – matter depending on the type and validity of the complaint submitted, and so careful thought should be given to how to convey this information publicly.”

**IPC** – “IPC supports the continued exploration of the impact of abuse and safeguards to curb abuse (including IP-related abuse) on the new gTLD program including through contractual negotiations with registries and registrars, improved public reporting through DAAR or other initiatives, enhanced user education, and the use of incentives. This recommendation is consistent with existing ICANN policies or already part of other ICANN processes.”

**Recommendation #22:** - Initiate engagement with relevant stakeholders to determine what best practices are being implemented to offer 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.

**BC** –

- “Consistent with the BC principles to promote end-user confidence in an internet that is technically stable, secure and reliable; the BC supports this

recommendation. The collection of health and financial information is required in many circumstances for the purchase of certain products via the internet. Such data may be required for regulatory compliance but must be maintained to ensure privacy and confidentiality of personal records and contact information.

- When the engagement of relevant stakeholders for Recommendation 22 is undertaken, it is imperative to identify a full range of registrants collecting sensitive health and financial data, which data is being collected, how it is necessary for delivery of services, and subsequently to determine how it can be protected.

To accomplish this, ‘relevant stakeholders’ must include multiple participants within any sector as business models and data requirements may vary and metrics for compliance need to address such variations.”

**GAC** – “While we welcome the Board’s acceptance of this recommendation, the implementation plan lacks specific details but includes lengthy timelines (more than 10 months). This recommendation involves a very specific topic which could be addressed with key representatives from various stakeholder groups. We think the proposed implementation would benefit from a more nimble and focused approach that includes identification of relevant stakeholder groups and a proposed series of virtual discussions culminating in a dedicated session during an ICANN meeting.”

**RySG** – “...this recommendation only pertains to sensitive and regulated gTLD strings, per p. 113 of the Final Report. As with Recommendation 21, the Implementation Plan must make that very clear. The distinction is particularly important for this recommendation because, when considered out of context, the phrase ‘offering of services’ could be taken to mean the offering of services within the domain names of the TLD as a whole. This would be wildly inappropriate as it would require all ROs to police the content and actions of registrants within their TLDs.

In addition to that point, we also suggest that because the universe of stakeholders here is somewhat narrow, the milestones listed in the Implementation Plan can likely be met much more quickly than estimated in the draft document.”

**IPC** – “The IPC supports this recommendation and believes that collection of health and financial information is needed in many instances for the purposes of compliance. ICANN will need to ensure that its collection and use of, and measures that should be taken to protect, such data may appropriately vary.”

**Recommendation #30:** Expand and improve outreach into the Global South.

**GAC** – “As indicated in the GAC’s comments on the CCT Review Final Report of Recommendations, the GAC supports expanding and improving outreach to these regions noting that such outreach [in the Global South] does require a more comprehensive approach and better targeting, building on the challenges identified with past initiatives.

The GAC believes that new / appropriate definitions of the terms Global South, as used in the CCT-RT Final Report, underserved or underrepresented regions should be



considered in order to reflect a wide range of aspects by including not only the broad geographical perspective but also to consider, with more focus on the various stakeholders of the DNS ecosystem, the perspective of existing expertise and deficiencies in the different capacities related to the DNS industry (such as technical, legal, business, etc.).

According to the GAC Underserved Regions Working Group, focus is put on underserved regions by the DNS industry, and on least developed economies and small island developing states.

As per the ICANN org Plan for Implementation on CCT-RT Recommendation 30, ICANN org should identify which regions are considered as 'underserved' and 'underrepresented' and in what context are they defined as such. Once identified, ICANN org should provide regional targeted capacity building efforts to all ICANN community stakeholders, on the Applicant Support Program for new gTLDs applications in preparation for subsequent rounds, in a timely manner to allow stakeholders to be prepared for the subsequent round, and better promote competition, consumer choice and consumer trust.”

**RySG** – “For this recommendation, the Implementation Plan should also include a review of previous outreach and communications efforts to assess their overall effectiveness and which tactics worked and did not. This exercise will likely be very informative in the development of future outreach plans. The Plan should also acknowledge the possibility that increased applications from the Global South may not end up being an objective for future gTLD application rounds, and include a contingency for such a result.”

**Recommendation #31:** The ICANN organization to coordinate the pro bono assistance program

**RySG** – “The RySG recognizes that this recommendation is contingent on the outcome of the SubPro PDP and as such we have no specific comments at this time.”

**IPC** – “IPC appreciates the proposal to defer to the Subsequent Procedures Policy Development Process effort overall implementation plan for the next round of new gTLDs. We support Recommendation 31 and believe that its implementation should include education on and discouragement of harmful IP infringement as a key part of pro bono assistance.”

**Additional Comments (pertaining to other topics not covered by this Public Comment proceeding):**

**BC** – Recommendations 14,15,16,18, 20

- “The BC has noted section 4 Dependencies of the plan for implementation and references to DNS Abuse and to a need to reach a common community understanding of DNS Abuse. As such, a number of recommendations have been put in a pending state. The BC believes these recommendations should not be in a

pending state, subject to the open-ended requirement that the community first create a universal definition for 'abuse'."

- "As stated in CCT-RT report, in the body and in footnotes, the community has already defined the specific types of abuse relevant to the safeguards put in place as part of the new gTLD program."
- "Making these recommendations 'pending' inadvertently (though perhaps intentionally) conflates the CCT-RT mandate with broader policy debates in the community. This should not be the case since the CCT-RT was tasked with analyzing safeguards put in place as part of the new gTLD program to mitigate issues identified by the community with the expansion of the DNS. DNS abuse was one such issue. The CCT-RT consequently used an operational definition of "DNS Security Abuse" based upon the issues identified by community prior to the DNS expansion. In addition, the CCT-RT considered definitions developed in community documents over the past decade, and which have ultimately been enshrined in safeguards, including ICANN contracts. Accordingly, the CCT-RT analysis, and specifically its commissioned research, was based upon this definition. Consequently, there is no reason why CCT-RT recommendations may not be adopted forthwith using the consensus-based, discrete definition of DNS Security Abuse related to the new gTLD program and within the CCT-RT's mandate. Defining abuse should not be a 'dependency' within the Board's adoptions of the resolutions."
- "The research commissioned by the CCT-RT identified extremely high rates of abuse associated with specific registries and registrars as well as registration features, such as bulk registrations, which appear to enable abuse. These issues need to be addressed now, not pushed down the pipeline pending discussions as to what exactly 'abuse' means."
- "Consequently, the CCT-RT recommendations may be adopted now with the consensus-based, discrete definition of DNS Security Abuse related to the new gTLD program and within the CCT-RT mandate. Defining abuse should not be a 'dependency' for the Board's adoptions of the resolutions."
- "As a general note, we are concerned that the passing through and the pending recommendations are being or will be ignored, as no specific timeline was established."
- "In addition, it is unacceptable for the Board to press ahead with further introductions of new gTLDs without having resolved these concerns first."
- "Members of the community spent over two years working to provide a report which was a consensus report, only to find the ICANN Board reluctant to accept the recommendations and to designate certain recommendations as 'reported for later.' The BC believes this is unacceptable and sets a worrying precedent."
- "Recommendations 14 to 18 were designed to address this, and in addition address the means available today to prevent and mitigate DNS abuse. The review team proposed new incentives and tools to combat abuse designed to encourage and incentivize proactive abuse measures as per Recommendation 14; introduce measures to prevent technical DNS Security Abuse as per Recommendation 15; and ensure that data collection is ongoing and acted upon as per Recommendation 16. In addition, a further mechanism was set out (a dispute resolution process -- the DADRP) for circumstances where, despite Recommendations 14, 15, and 16, registry operators and/or registrars do not effectively address DNS abuse within the domains they offer."

- “Recommendation 15 in particular is a prerequisite to ICANN addressing systemic DNS Security Abuse in the baseline contract for any future new gTLDs. As per the CCT-RT, ‘Such language should impose upon registries and registrars, and, through downstream contract requirements their affiliated entities such as resellers, a duty to prevent wide-scale DNS Security Abuse and implement specific measures to reduce malicious conduct whereby ICANN may suspend registrars and registry operators found to be associated with unabated, abnormal and extremely high rates of DNS Security Abuse. It is important for ICANN Org to gather relevant data, conduct analysis, and act on actionable information.’”

**GAC** – “Regarding the topic of DNS Abuse, we note that certain key CCT Recommendations focused specifically on DNS Abuse and encourage the Board to consider the CCT Review Teams’ communications on this topic and take the steps necessary to reconsider their ‘pending’ status as soon as possible. More specifically, the Board should revisit its consideration of Recommendations 14, 15, 16, 18 and 20.”

#### Section IV: Analysis of Comments

*General Disclaimer: This section intends to provide an analysis and evaluation of the comments submitted along with explanations regarding the basis for any recommendations provided within the analysis.*

**Recommendation #1:** - Formalize and promote ongoing data collection. ICANN should collect data about and publicize the chain of parties responsible for gTLD domain name registrations.

#### Analysis:

It was noted that the data collection requested in CCT-RT recommendation #1 should be contextualized against a more comprehensive list of data collection or “data model” needs identified throughout the CCT-RT final report, including recommendations currently in a “pending” status.

Two of the five commenters suggested evaluation of the necessity and usefulness of data gathering efforts. One of the five commenters believed the implementation of recommendation 1 would not deliver the intended outcome without the implementation of other CCT-RT pending recommendations. For example:

- **BC** indicated that recommendation 1 is not fully useful in delivering an intended outcome without the implementation of active ongoing collection of additional data identified by the CCT-RT final report in Recommendations 2,3,4,5,6,7,8,11,23,24,26
- **IPC** suggested that ICANN should reinforce its commitment to improve its means of data collection to support the CCT Review Team’s Final Report and Recommendations.
- **RySG** stated that the mechanism that ultimately gets launched should include the ability to evaluate necessity/usefulness of proposed data gathering efforts.

#### Suggested Solutions From Commenters:

- Partner with data collection entities and or connecting to existing data collection mechanisms for identified data
- Partner with survey development experts (relating to CCTRT recommendations 8 and 11)
- Develop/define comprehensive CCT-RT data model and determine data usefulness/applications

**ICANN org response:** ICANN org understands and acknowledges the need to coordinate implementation of this recommendation with existing data collection mechanisms and leverage ongoing activities including the Information Transparency Program (ITP), the Open Data Program (ODP), the Domain Name Marketplace Indicators, and others. However, there are various recommendations regarding specific data collection activities that must be considered individually. To the BC's statement that Recommendation 1 is not fully useful in delivering an intended outcome without the implementation of active ongoing data collection for all other CCTRT recommendations, ICANN org does not fully agree. Data collection is not solely for the benefit of the CCT, but rather for the ongoing work of the entire community. The CCTRT Final Report states that "As the issue of data has come up in the past and will inevitably come up in the future, the CCT would like to make a general recommendation about data collection to ICANN in addition to making suggestions particular to CCT research." As new methodologies and datasets are developed, including those related to other CCTRT recommendations, they will become part of the larger data collection framework for the organization.

- Regarding the comment from RySG regarding the availability of budget information, ICANN org reinforces the importance of conducting a cost/benefit analysis that considers budget and prioritization as outlined in the initial implementation plan. This is in line with the CCTRT's expectation that: "On a case-by-case basis, this initiative would help to ascertain the cost/benefit and security requirements for the data in question."

**Recommendation #17:** - ICANN should collect data about and publicize the chain of parties responsible for gTLD domain name registrations.

**Analysis:**

The response to "pass through" the recommendation with no further implementation work by ICANN org is met with an evenly mixed response by commenters that accept this approach and others that note this "pass through" strategy is not robust or proactive enough a response in either measure of targeting data gathering needs that assist in driving productive policy development outcomes or in leading/guiding efforts and education as has been done in other initiatives that have similarly significant impact on public interests.

Three of four commenters supported the implementation approach overall and one of four finding the proposed implementation plan to be inadequate compared to other strategies applied to similar initiatives. For example:

- **GAC** indicated that the proposed implementation plan is not robust. ICANN currently engages in efforts to curtail DNS Abuse, including such initiatives as the Domain Abuse Activity Reporting System and Identifier Technology Health Indicator.

- **IPC** indicated that it supports Recommendation 17 in concept but notes that more information is required for assessment of this recommendation.

**Suggested Solutions From Commenters:**

- ICANN should consider revisiting the implementation strategy on this recommendation and consider taking a considerably more active role in educating the community about why specific information is necessary in order to track and publish information about DNS Abuse, and consider spearheading community discussions directed to requiring contracted parties to collect and publish this information in order to promote increased transparency and accountability.

**ICANN org response:** As an organization, ICANN policy work is conducted by a bottom up, consensus-driven multistakeholder model. In this regard, a key part of the Board's role is to ensure that the policy development process is respected, and that consensus policy recommendations that are appropriate for adoption are then implemented, as per ICANN's Bylaws.

**Recommendation #21:** - 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) the class/type of abuse; (2) the gTLD that is target of the abuse; (3) the safeguard that is at risk; (4) an indication of whether complaints relate to the protection of sensitive health or financial information; (5) what type of contractual breach is being complained of; and (6) resolution status of the complaints, including action details. These details would assist future review teams in their assessment of these safeguards.

**Analysis:**

Comments are generally in support of the plan for implementation and with the plan's alignment with other ICANN compliance and abuse prevention efforts with some commenters advising the following:

- Clarification of the scope of implementation to regulated gTLD
- Removal of the consensus on the definition of 'abuse' as a dependency in order to begin implementation.
- Carefully consider stakeholder and relevant community members for input on whether or not to publish the gTLDs that are targets of abuse and how to convey the status of complaints publicly.

Four commenters support the overall proposed plan for implementation. Two commenters disagreed with the need to redefine the understanding of DNS abuse within the community to proceed with implementation. For example:

- **BC** indicated that they particularly support the proposed approach to address contracted parties whose rates of abuse are found to dramatically exceed the normal range.
- **GAC** expressed that they encourage ICANN to proceed expeditiously with complete implementation of this recommendation. Although, ICANN lists reaching a "common understanding of DNS Abuse" as a dependency for this effort, we do not agree. ICANN Compliance already lists certain categories of Abuse in its Monthly Dashboards.

- **GAC** further stated that publishing the gTLD that is the target of DNS Abuse will provide greater transparency and accountability for the community as it seeks to understand the targets of DNS Abuse and what measures might succeed in reducing the incidents of DNS Abuse.
- **RySG** points out that per the CCT-RT Final Report, this recommendation only pertains to sensitive and regulated gTLD strings (see pp. 111 and 112 of the Final Report). “This fact is very much lost in the draft Implementation Plan and we urge ICANN to take steps to make the limited scope of this recommendation and subsequent implementation clear. We note that the Implementation Plan includes a phase where ICANN Org will consult with relevant community members about whether or not to publish the gTLDs that are targets of abuse.”
- **IPC** supports the continued exploration of the impact of abuse and safeguards to curb abuse (including IP-related abuse) on the new gTLD program. This recommendation is consistent with existing ICANN policies or already part of other ICANN processes.

#### **Suggested Solutions From Commenters:**

- Commenters urge ICANN to take steps to make the limited scope of this recommendation and subsequent implementation clear and consider further discussions with stakeholders regarding publishing the resolution stats of complaints, particularly how such information would be both qualified and communicated in publicly distributed reports.

**ICANN org response:** As referenced in the Implementation Plan, the enhanced Contractual Compliance [monthly reports](#) provide more detailed information on complaints related to the Governmental Advisory Committee (GAC) Category 1 Safeguards and Public Interest Commitments. This report builds on the contractual compliance-related recommendations from the Competition, Consumer Choice, and Consumer Trust Review Team [draft report](#) and the Governmental Advisory Committee's [Copenhagen Communique](#) [PDF, 190 KB].

In addition, Contractual Compliance has added two new quarterly reports based on input from ICANN community members. The goal is to provide more detailed reporting about complaint resolution and closure codes. The two new reports are "[Registrar Closed Complaints by Closure Code](#)" and "[Registry Closed Complaints by Closure Code](#)." The closure codes are categorized into three groups: Resolved, Out of Scope, and ICANN Issue. This report completes the complaint lifecycle, from ticket receipt to closure. ICANN org confirms our understanding and commitment to the limited nature of the scope in this recommendation, which is why the implementation plan highlights the availability of information as related to GAC Category 1 Safeguards. As such, no change is recommended to the plan for implementation, and ICANN org will keep this limitation central to the implementation.

**Recommendation #22:** - Initiate engagement with relevant stakeholders to determine what best practices are being implemented to offer 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.

**Analysis:**

Commenters recommended clarification of the specific scope of sensitive data, its protection and ongoing data management. It was noted that that a focused strategy of including specific and relevant stakeholders required for the implementation may be of benefit in reducing the proposed timeline.

All commenters support the overall proposed plan for implementation. Three commenters provided suggestions to expedite its implementation. Two commenters suggest ways improve key stakeholder management and input and one commenter suggested the refinement in the scope. For example:

- **BC** stated that the collection of health and financial information is required in many circumstances for the purchase of certain products via the internet. Such data may be required for regulatory compliance but must be maintained to ensure privacy and confidentiality of personal records and contact information. ‘Relevant stakeholders’ must include multiple participants within any sector as business models and data requirements may vary and metrics for compliance need to address such variations.
- **GAC** believes there is an opportunity for a more nimble implementation approach that includes identification of relevant stakeholder groups and a proposed series of virtual discussions culminating in a dedicated session during an ICANN meeting.
- **RySG** noted that this recommendation only pertains to sensitive and regulated gTLD strings. The distinction is particularly important for this recommendation because, when considered out of context, the phrase “offering of services” could be taken to mean the offering of services within the domain names of the TLD as a whole. This would be wildly inappropriate as it would require all ROs to police the content and actions of registrants within their TLDs. In addition to that point, we also suggest that because the universe of stakeholders here is somewhat narrow, the milestones listed in the Implementation Plan can likely be met much more quickly than estimated in the draft document.
- **IPC** supports this recommendation and believes that collection of health and financial information is needed in many instances for the purposes of compliance. ICANN will need to ensure that its collection and use of, and measures that should be taken to protect, such data may appropriately vary.

**Suggested Solutions From Commenters:**

- Comments suggest clarifying the scope of sensitive data and its protection and a more nimble and focused approach in implementation that includes identification of a more narrow group of relevant stakeholders in a series of virtual discussions culminating in a dedicated session during an ICANN meeting.

**ICANN org response:** The draft implementation plan suggested an initial phase of engagement that includes identification of the relevant stakeholders, as well as opportunities and objectives, methodologies, and requirements for data collection. Comments point to a number of stakeholder categories that should be included and ICANN org is in agreement with all comments suggesting initial identification of relevant stakeholders as part of the consultation process, helping reduce the proposed timeline. The suggestion from GAC to host

a series of virtual discussions culminating in a dedicated session during an ICANN meeting is also helpful and appreciated. These recommendations can be taken on without modification to the plan as posted.

**Recommendation #30:** Expand and improve outreach into the Global South.

**Analysis:**

Commenters were in support of the ICANN org implementation plan and are in agreement to further define stakeholders, expand and improve outreach to underserved and underrepresented communities. Commenters are in agreement on the need to review historic ICANN outreach effectiveness in targeting underserved and underrepresented communities.

Three commenters support the overall implementation plan. Two commenters noted the need to do an assessment on existing outreach mechanisms and examine both the criteria for underserved communities and appropriate metrics to evaluate the effectiveness of outreach efforts. For example:

- **GAC** advised that a new / appropriate definition of the term Global South, underserved or underrepresented regions should be considered in order to reflect a wide range of aspects by including not only the broad geographical perspective but also to consider, with more focus on the various stakeholders of the DNS ecosystem, the perspective of existing expertise and deficiencies in the different capacities related to the DNS industry (such as technical, legal, business, etc.).
- **GAC** further suggested that ICANN org should provide regional targeted capacity building efforts to all ICANN community stakeholders, on the Applicant Support Program for new gTLDs applications in preparation for subsequent rounds, in a timely manner to allow stakeholders to be prepared for the subsequent round, and better promote competition, consumer choice and consumer trust.
- **RySG** indicated that the Plan should also acknowledge the possibility that increased applications from the Global South may not end up being an objective for future gTLD application rounds and include a contingency for such a result.

**Suggested Solutions From Commenters:**

- Amend plan to further define “global south” and broaden what qualifies as underserved and underrepresented. Additionally, the implementation plan should also include review and of previous outreach effectiveness in determining ways to optimally select and target outreach efforts. Refine implementation plan to include outreach targeting capacity development efforts on applicant support programs for new gTLDs in preparation for subsequent rounds with ongoing contingencies if no increase in applications from underserved and underrepresented stakeholders and regions is observed after target efforts are in place. The emphasis from commenters is that ICANN expand and improve engagement with diverse stakeholders and regions, who may not typically be aware of ICANN and the DNS ecosystem or as active in this work. ICANN org must show how engagement efforts to these stakeholders and regions raise awareness and inform them on opportunities to participate in future TLD rounds.



**ICANN org response:** ICANN org agrees that a key part of the implementation of this recommendation entails expanding and improving engagement with diverse stakeholders and regions, who may not be typically aware of ICANN and the DNS ecosystem, or be active in this work. Strategies to define and implement relevant success measure is evolving with this and all community recommendations. See Chair’s [blog](#) and the [Draft Proposal on Resourcing and Prioritization of Community Recommendations](#). As part of the envisioned implementation road map, there will be regular opportunities to revisit and address definitions and measures of success of this and all other implementations.

**Recommendation #31:** The ICANN organization to coordinate the pro bono assistance program

**Analysis:**

Of the two Public Comments on this recommendation, one was in agreement with the implementation approach and one opted to defer comment on the proposed implementation plan at this time.

**Suggested Solutions From Commenters:**

- The implementation should include education on and discouragement of harmful IP infringement as a key part of pro bono assistance.

**ICANN org response:** As noted in the ICANN org’s implementation plan, the New gTLD Subsequent Procedures PDP Working Group is reviewing the policy and implementation of the applicant support and the pro bono assistance program, and implementation of this recommendation is expected to be guided by the forthcoming policy recommendations.

**Additional Comments:** Some comments convey concern about the CCT-RT final report recommendations that are ‘pending’, among other comments not specifically related to the implementation plan on the 6 Board-accepted recommendations – See Additional Comments in Section III above.

**ICANN org response:** ICANN org acknowledges that we received additional inputs as briefly summarized in the additional comment section, and notes that there are additional next steps, including preparations for Board action to begin moving items out of “pending” status, that will continue to address the concerns raised. ICANN org is working to address the questions the Board had issued on the pending recommendations and will consider the relevant comments in this Public Comment when pending recommendations are ready for Board action.