

7 July 2023

RrSG Response to Amendments to the Base gTLD RA and RAA to Modify DNS Abuse Contract Obligations

The Registrar Stakeholder Group (RrSG) welcomes the opportunity to provide comments on the Amendments to the Base gTLD RA and RAA to Modify DNS Abuse Contract Obligations. The RrSG recognizes the importance of these amendments and supports them as a vital next step in the ICANN community's efforts to address DNS Abuse.

Background

For the first time since the creation of ICANN, the RrSG and the Registries Stakeholder Group (RySG) (collectively the Contracted Parties House or CPH) voluntarily initiated contractual negotiations with ICANN. This represents the culmination of years of efforts by the RrSG and the RySG, including:

- [CPH Definition of DNS Abuse](#)
- [CPH Trusted Notifier Framework](#)
- [RrSG Approaches to BEC Scams/CEO Fraud](#)
- [Appeal Mechanisms following DNS Abuse Mitigation](#)
- [CPH Guide to Abuse Reporting](#)
- Abuse Contact Identifier (ACID) Tool. This RrSG-hosted site helps users identify the appropriate party to report abuse (e.g. hosting provider). In June 2023, the [acidtool.com](#) site processed an average of 250 requests per day.

In addition, an RrSG GNSO Councillor was an active participant in the cross-constituency GNSO Council Small Team on DNS Abuse. The team's report identified gaps in the RAA and RA, and stated:

... there may be various approaches to addressing this issue, for example, clarifying the existing requirements through policy development or contractual negotiations initiated by Contracted Parties and ICANN org.

The Small Team's report proposed contractual amendments as part of broader ICANN Community efforts regarding DNS Abuse. Soon after the publication of the Small Team's report, the CPH sent a letter to ICANN Org indicating an intention to "pursue possible enhancements to the DNS Abuse obligations" in our respective contracts (along with certain related expectations). In December 2022, the RrSG and the RySG initiated contractual negotiations for the RAA and RA.

Process

The negotiations to add DNS Abuse-related requirements to the RA and RAA began in January 2023 and reflected a collaborative effort between the ICANN, RrSG, and RySG negotiating teams. The RrSG negotiation team was comprised of ten members empowered to negotiate text. The negotiation team was assisted by a support team of interested RrSG members; together they were responsible for the development of RrSG positions in the negotiations. Once text was agreed to by the RrSG negotiation and support teams, the draft language was circulated to full RrSG membership for feedback and comment. No dissents were raised by RrSG members either about the process or about the RrSG positions in the negotiations.

Substance

The RAA and RA amendments have the full support of the RrSG, as noted above. Under the current language of the RAA, registrars are merely obligated to respond to reports of abuse; there is no obligation to *take action*. By clarifying that there is an obligation for registrars to take steps upon the identification of actionable cases of DNS Abuse, the proposed amendments will not only help mitigate and/or disrupt DNS Abuse but also help reporters turn to the appropriate party when the registrar cannot take such action.

The RrSG supports the inclusion of the definition of DNS Abuse: “malware, botnets, phishing, pharming, and spam (when spam serves as a delivery mechanism for the other forms of DNS Abuse listed in this Section)”. This definition will assist Contracted Parties and those reporting abuse in clearly delimiting the scope of these new contractual obligations, enhancing predictability regarding types of DNS Abuse that can be addressed by the ICANN community.

The proposed amendments strike the right balance between compelling action at the DNS level and protecting registrants by ensuring Contracted Parties consider the collateral harm that may be caused by action at the registry or registrar level and acknowledging that the appropriate responding action may vary depending on the circumstance. This protects the operators of compromised websites, who are themselves victims of the DNS Abuse occurring on their domain name, and allows Contracted Parties sufficient flexibility to address each scenario on its own facts, such as if law enforcement requests a domain be redirected to a space monitored by them rather than suspended or deleted.

Further, the authorization for registrars to collect reports of abuse through a webform will help registrars process abuse reports faster and more efficiently. Webforms can ensure that all reports are properly evidenced and are provided in a standardized format; webforms also help protect registrar abuse queues against spam. These features can enable registrars to better address all types of abuse, including DNS Abuse. It is beneficial to provide the option to use a webform while also retaining the ability for registrars to choose to continue the use of email for abuse reporting. The RrSG hopes that the new requirement to provide confirmation of receipt when a report is submitted through either method (email or webform) will help reporters better understand the status of their reports.

In addition, the RrSG fully supports the Advisory as drafted. During ICANN77, the RrSG received feedback from a number of ICANN community members regarding the Advisory, including recommended changes. The RrSG urges ICANN Org to acknowledge such feedback, but not to incorporate Advisory feedback at this time. ICANN Org expended significant efforts to draft an Advisory that accommodates the diverse registrar business operations, and the RrSG is concerned that any changes could negatively impact the support of the RrSG, its members, or non-member registrars. While the RrSG appreciates the desire for the community to provide feedback regarding the Advisory, it is the belief of the RrSG that the Advisory should remain unchanged at this time, and that any feedback could be included in considerations regarding subsequent GNSO policy efforts regarding DNS Abuse. The Advisory is not expected to be a static document, and over time, as ICANN Org and the CPH implement the amendments, the Advisory may be adjusted to reflect the realities (whether anticipated or unexpected) of the amendments.

Registry Agreement Proposed Amendment

The RrSG also wishes to offer its support of the proposed amendments to the Registry Agreement, negotiated between the RySG and ICANN. The RrSG appreciates that these amendments recognize the distinct roles of registries and registrars in the DNS ecosystem, and, while allowing registries to take more direct action, adds a meaningful obligation that registries escalate evidenced reports of DNS Abuse to the appropriate registrar.

Sincerely,

Ashley Heineman
Chair, Registrar Stakeholder Group