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STATUS: Ratified

## AT-LARGE ADVISORY COMMITTEE

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

On 29 May 2023, the Public Comment proceeding opened for the Amendments to the Base gTLD RA and RAA to Modify DNS Abuse Contract Obligations. An At-Large workspace was created for the Public Comment submission. The At-Large Consolidated Policy Working Group (CPWG) decided it would be in the interest of end users to develop and submit an At-Large Advisory Committee (ALAC) statement. Alan Greenberg volunteered to draft the initial ALAC statement.

A first draft was discussed on the CPWG call of 28 June, 2023 and based on input provided a significantly enhanced draft with contributions from Justine Chew was posted and discussed during the 05 July CPWG call. Following minor editorial changes, the final version went to the ALAC for its ratification.

On 13 July 2023, ICANN org staff confirmed the online vote resulted in the ALAC endorsing the statement with 14 out of 14 votes in favor, 0 votes against, and 0 abstentions. Please note 100% of ALAC Members participated in the poll. The ALAC Members who participated in the poll are (alphabetical order by first name): Bill Jouris, Carlos Aguirre, Dave Kissoondoyal, Eduardo Diaz , Joanna Kulesza, Jonathan Zuck, Laura Margolis, Marcelo Rodriguez , Matthias Hudobnik, Maureen Hilyard, Naveed Bin Rais, Raymond Mamattah, Satish Babu, Tommi Karttaavi.

You may view the results independently: <https://tally.icann.org/cgi/results?e=611700b4535>

## **AT-LARGE ADVISORY COMMITTEE**

### **Executive Summary**

The ALAC has long believed that bilateral discussions between ICANN Org and the Contracted party Stakeholder Groups was a necessary step toward ensuring that ICANN Contractual Compliance have the needed tools to ensure that all contracted parties take appropriate actions to fight DNS Abuse. The ALAC compliments ICANN Org and the Registrar/Registry Stakeholder groups for taking this action.

The ALAC strongly supports the RA and RAA amendments and encourages all necessary action to ensure that they are approved and implemented with the minimum delay.

The ALAC also welcomes the accompanying Draft ICANN Advisory explaining the new requirements, and which provides guidance and expectations for action by registrars and registries to ensure compliance with the new contractual terms. The ALAC believes that the Advisory would benefit from the inclusion of what concrete actions ICANN Contractual Compliance might take against Registrars or Registry Operators who are found to not be in compliance with the new RA/RAA terms.

Lastly, the ALAC hopes that the Contracted Parties and ICANN org will continue to be responsive to progressive feedback from various parts of the ICANN Community, in an ongoing collective effort to effectively combat DNS Abuse both as currently defined, and as it may evolve over time.

### **Comments**

DNS Abuse has been discussed and debated within ICANN for well over a decade. The ALAC has repeatedly heard registrars say that ICANN Contractual Compliance should take action against “bad actors” and ICANN Contractual Compliance saying that they did not have the tools to enforce compliance by such “bad actors”.

It was evident that the only way to address this stalemate was for the Contracted Parties and ICANN Org to sit down and ensure that ICANN Org had the necessary tools to compel Registrars (and even Registry Operators) to take appropriate action on a timely basis to either stop or at least disrupt clear incidences of DNS Abuse, or even contemplate prevention of DNS Abuse.

It is with collective pleasure that the ALAC compliments the Registrar Stakeholder Group, the Registry Stakeholder Group and ICANN Org for finally doing just that.

The ALAC supports the proposed contractual improvements to section 3.18 of the Registrar Accreditation Agreement and section 4, Specification 6 the Registry Agreement, and strongly encourages the Registrar Stakeholder Group and the Registry Stakeholder Group to adopt them, enabling all relevant parties to take whatever action necessary to ensure that they are implemented without delay.

In particular, the ALAC is pleased to note the proposed introduction of a new section 4.2 within Specification 6 of the Registry Agreement which seeks to provide for specific baseline action by a Registry Operator to stop, or otherwise disrupt a domain name from being used for DNS Abuse, and especially for such Registry Operator to take direct action where it deems appropriate.

The ALAC welcomes the accompanying Draft ICANN Advisory explaining the new requirements, and which provides guidance and expectations for action by registrars and registries to ensure compliance with the new contractual terms. We believe that the case scenarios spelt out therein offer some clarity on actions expected by registrars and/or registries in terms of appropriateness and timing.

However, the ALAC would appreciate the inclusion of expectations on concrete actions that might be taken by ICANN Contractual Compliance against a Registrar or Registry Operator if either, as the case may be, were found or deemed by ICANN Contractual Compliance to not meet the guidance set forth in the Draft ICANN Advisory. Such expectations for action by ICANN Contractual Compliance would be imminently useful, and in particular, an indication of at what point non-compliance would be viewed as a material breach of obligations in either of the agreements.

We hope that the Contracted Parties and ICANN org will continue to be responsive to progressive feedback from various parts of the ICANN Community, in an ongoing collective effort to effectively combat DNS Abuse both as currently defined, and as it may evolve over time.