

Dear ICANN Compliance,

As you may be aware, the GNSO Council has formed a small team of interested Council members to consider what policy efforts, if any, the GNSO Council should consider undertaking to support the efforts already underway in the different parts of the community to tackle DNS abuse. As part of this effort, the small team would like to better understand the existing contractual obligations regarding DNS Abuse as well as how these are currently enforced. As such, the team would like to put forward the following questions below for your consideration. The small team would also appreciate if you are able to point out where the answers might vary as they refer to a registry versus a registrar, and vice versa.

1. Can you please provide an overview of the current requirements that Contractual Compliance enforces in relation to DNS abuse (e.g., relevant provisions of the Registry Agreement and Registrar Accreditation Agreement)?
2. Can you describe how the enforcement of these provisions practically takes place from a procedural standpoint, including if there are any unique process elements for DNS abuse related complaints? In addition, besides responding to submitted complaints and performing audits, are there any other mechanisms by which Contractual Compliance identifies actionable information to investigate DNS abuse related complaints?
3. Do you have any metrics and/or trends that provide further insight into the complaints that are investigated by Contractual Compliance in relation to DNS abuse?
4. What are the factors that Contractual Compliance takes into account when reviewing a DNS abuse related complaint? Are there factors, whether in whole or in part, which are applied across the board ('mandatory') as opposed to on a case-by-case basis ('discretionary')? Are there any challenges in determining whether a Contracted Party is failing to comply with their contractual obligations regarding DNS abuse? If so, what would assist you in making such a determination?
5. If you have determined a Contracted Party is failing to comply with their contractual obligations regarding DNS abuse, are there any challenges in effectively remediating the compliance issue? If so, what would assist you to ensure effective remediation?

We appreciate that it may take a bit of time to compile this information, but if possible, it would be helpful if you are able to provide the requested information in approximately three weeks or otherwise, provide us with an indication of time needed to provide a response. Of course, if you need any clarification and/or would welcome a conversation with the small team, please let us know.

Best regards,
GNSO Council DNS abuse small team