

# ICANN | GNSO

Generic Names Supporting Organization

## DNS Abuse Small Team Report to GNSO Council

[Date]

### Status of This Document

---

This is the report of the DNS Abuse Small Team to the GNSO Council. The small team was formed by the GNSO Council 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.

---

# Table of Contents

<b>1 EXECUTIVE SUMMARY</b>	<b>3</b>
<b>2 BACKGROUND &amp; APPROACH</b>	<b>4</b>
<b>3 SMALL TEAM RECOMMENDATIONS</b>	<b>6</b>
<b>4 NEXT STEPS</b>	<b>8</b>
<b>ANNEX A - DNS ABUSE SMALL TEAM ASSIGNMENT</b>	<b>9</b>

# 1 Executive Summary

## 1.1 Introduction

The GNSO Council [tasked](#) a small team consisting of 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. This report represents the recommendations of the small team which were developed after community outreach was undertaken and input received was reviewed.

In considering the external input, the small team realized that the suggestions provided can generally be allocated to one or more of the following three buckets:

1. Issues that may benefit from GNSO policy development;
2. Issues that may benefit from education / communication / outreach;
3. Issues that may benefit from contractual negotiations between ICANN org and Contracted Parties.

Note, being placed in one bucket does not preclude an issue from being (concurrently) pursued via another bucket.

Furthermore, the small team also found it helpful to think of the life cycle of DNS abuse. In that respect, the life cycle can be looked at in four phases, with a Phase 0 situated prior to the harm occurring:

- Phase 0: Preventative measures or indicators that may assist Contracted Parties in identifying malicious registrations.
- Phase 1: Ensuring harmed parties know how AND to whom a complaint should be reported (e.g. which party is best placed to mitigate the harm);
- Phase 2: Ensuring that reported complaints are well-formed and actionable;
- Phase 3: Well-positioned party (e.g., contracted party, web-host, website owner/operator, etc.) takes action as necessary.
- Phase 4: Effective enforcement by ICANN Compliance if appropriate action is not taken by Contracted Parties (where identified as primary party in phase 3) to address DNS Abuse.

## 1.2 Recommendations for Council Consideration

For further information and background on each of these recommendations, please see section 3 below.

### **Recommendation #1 - Malicious Registrations**

After the community has been able to process the community outreach and other suggestions made in this report, if further tools are considered necessary, the small

team recommends that the Council considers requesting the development of a Preliminary Issue Report on the topic of malicious registrations. The objective is to prepare the ground for tightly scoped policy development that would consider malicious registrations used for the distribution of malware, phishing or the operation of Botnet command and control systems. The goal of tightly scoped policy development would be to explore whether it is possible to identify indicators of malicious registrations that would trigger actions from Contracted Parties either at the time of registration or shortly after. Any policy development is expected to anticipate that the theme of malicious registrations may not be as clear cut in practice. As such, care must be taken that any proposed measures are balanced and proportional.

#### **Recommendation #2 - Bulk Registrations**

The small team recommends that the GNSO Council requests the Registrar Stakeholder Group and others (for example, ICANN org and the DNSAI) to further explore the role that bulk registrations play in DNS Abuse as well as measures that Registrars may have already put in place to address this vector. Based on the feedback received, the GNSO Council will consider whether further action on bulk registrations is deemed necessary.

#### **Recommendation #3 - DNS Abuse Reporting**

With an eye towards outreach, the small team recommends that the Council encourages continued discussion between Contracted Parties and DNS Abuse reporters/potential reporters with the goal of further fine-tuning and promoting existing tools and initiatives, and/or those under development, to further work towards easier, better and actionable reporting of DNS Abuse. Take into consideration additional pipelines that might be helpful.

#### **Recommendation #4 - Action & Enforcement**

The small team recommends that the Council reaches out to the RrSG and RySG to share the findings of the small team and requests feedback on how these potential gaps can be best addressed.

In addition, this letter should request that Contracted Parties initiate work on the "Suggested Standards" document (see [here](#) for further details), in consultation with ICANN Compliance.

Based on the feedback received to this letter, the Council will determine next steps, but at a minimum, the Council would expect to be kept up to date on any further work that would be undertaken by Contracted Parties in consultation with ICANN Compliance.

### **1.3 Next Steps**

This report has been submitted to the GNSO Council for its consideration.

## 2 Background & Approach

The topic of DNS abuse is a longstanding topic and the GNSO has undertaken a variety of activities on this topic in the past, including considering which aspects of the subject of registration abuse are within ICANN's mission to address and in particular, which are appropriate for ICANN to establish policies that are binding on gTLD registry operators and ICANN-accredited registrars.

Some of this past work includes:

- Registration Abuse Policies WG Final Report from 2010: <https://gns0.icann.org/issues/rap/rap-wg-final-report-29may10-en.pdf> (some, but not all recommendations adopted)
- Staff best practices discussion paper from 2011: [https://gns0.icann.org/sites/default/files/filefield\\_26745/discussion-paper-\\_-rap-best-practices-28sep11-en.pdf](https://gns0.icann.org/sites/default/files/filefield_26745/discussion-paper-_-rap-best-practices-28sep11-en.pdf)
- Uniformity of Contracts to Address Registration Abuse Final Issue Report 2012: <https://gns0.icann.org/en/issues/registration-abuse/uofc-final-issue-report-20sep12-en.pdf> (Final Issue Report, but not sufficient support to initiate a PDP at the time)

The GNSO Council [tasked](#) a small team consisting of 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. The Council also requested the small team to consider reaching out to others in the community that have been vocal on this topic to better understand what its expectations are of the GNSO and if/how it expects further policy work to contribute (or not) to the already ongoing initiatives.

### 2.1 External Outreach

At an early stage of its deliberations, the small team reached out to all GNSO Stakeholder Groups and Constituencies, as well as the At-Large Advisory Committee (ALAC), the Governmental Advisory Committee (GAC), the Security and Stability Advisory Committee (SSAC) and the DNS Abuse Institute. The small team requested these groups to provide input on the following items:

1. Further details on what specific problem(s) policy development in particular would be expected to address and why the respondent believes policy development is the right mechanism to solve those problems?
2. What are the expected outcomes if policy development would be undertaken, taking into account the remit of ICANN and more specifically GNSO policy development in this context?

3. What are the expectations with regards to possible next steps the GNSO Council could or should undertake in the context of policy development?

The input was organized in an [input review tool](#) that the small team used to review and consider the feedback provided. The small team's assessment of the input received has also been documented in this review tool.

## 2.2 Compliance Input

The small team also developed a set of questions for ICANN Compliance. ICANN Compliance provided [its responses](#) to the team on 3 May, which was followed by a dialogue with ICANN Compliance that resulted in a number of [follow up questions](#) and clarifications.

## 2.3 Development of recommendations

Based on its analysis of the external input received as well as the ICANN Compliance responses, the small team is putting forward for Council consideration its recommendations in the next section. In considering the external input, the small team realized that the suggestions provided can generally be allocated to one or more of the following three buckets:

1. Issues that may benefit from GNSO policy development;
2. Issues that may benefit from education / communication / outreach;
3. Issues that may benefit from contractual negotiations between ICANN org and Contracted Parties.

It should be noted that certain recommendations could fall in multiple buckets, but the small team factored into its consideration the approach it considered the most efficient and effective to address the issue identified.

To aid in understanding which bucket the issues should be placed, the small team also found it helpful to think of the life cycle of DNS abuse. In that respect, the life cycle can be looked at in four phases, with a Phase 0 situated prior to the harm occurring:

- Phase 0: Preventative measures or indicators that may assist Contracted Parties in identifying malicious registrations.
- Phase 1: Ensuring harmed parties know how AND to whom a complaint should be reported (e.g. which party is best placed to mitigate the harm);
- Phase 2: Ensuring that reported complaints are well-formed and actionable;
- Phase 3: Well-positioned party (e.g., contracted party, web-host, website owner/operator, etc.) takes action as necessary.

- Phase 4: Effective enforcement by ICANN Compliance if appropriate action is not taken by Contracted Parties (where identified as primary party in phase 3) to address DNS Abuse.

By considering the issues identified through the lens of these phases, it helps to determine who the relevant parties are and their respective roles and responsibilities, which in turn helps to determine the best method to resolve the issue (e.g., which bucket).

The small team would like to emphasize the collaborative nature in which these recommendations have been developed. There is general recognition of the importance of this topic and the need for the GNSO Council to be actively engaged. The group did agree that even though tightly focused and scoped policy development may be appropriate in certain instances, there is also a role here for the Council of promotion and support for other initiatives in this area to ensure that DNS Abuse can be more effectively mitigated.

At the same time, the small team is also conscious that there is no one-size-fits-all or golden bullet that will magically address all instances of DNS Abuse, so care also needs to be taken that sufficient flexibility remains for CPs to take action to address DNS Abuse. Nevertheless, through better information, communication, guidance and ensuring that the parties that are able to take action are engaged, important strides in the fight against DNS Abuse can be made.

### 3 Small Team Recommendations

This Section provides an overview of the recommendations that the small team is putting forward for Council consideration. As outlined in the previous section, in addition to policy development, the small team also considered two other approaches for the issues that were identified. Even though the GNSO Council may not have the ability to require action on those issues identified to not fall within the policy development remit, it could still play an important role by reaching out to the parties that do have the ability to act and encourage their participation in these efforts.

The members of the small team agree that in order for the fight against DNS abuse to be successful, the action and co-operation of parties that are not part of the ICANN community and contracted parties are required. Such co-operation cannot be mandated by policy or contract. As a consequence, the recommendations made by the small team must be understood as addressing potential gaps that are or can be within the remit of ICANN's policies or contracts. Notwithstanding that, cooperation with and action by other actors that are well-positioned to support the fight against DNS abuse are encouraged.

#### Phase 0: Preventative measures or indicators that may assist Contracted Parties in identifying malicious registrations

##### Issue A

<p><b>1. What is the issue that requires addressing?</b></p>	<p>The small team suggests distinguishing between malicious vs. compromised registrations<sup>1</sup> when considering what topics may fall within the scope of ICANN to address. Taking this approach would ensure that responsibility for taking action on malicious registrations is within the remit of Contracted Parties and/or ICANN org, while action on compromised registrations may require involvement of actors that are not subject to ICANN agreements. The small team notes that using this approach may forego having to define DNS abuse which has posed challenges in the past.</p>
<p><b>2. Who has/have the ability to address the issue?</b></p>	<p>GNSO Council, Contracted Parties, ICANN org</p>

<sup>1</sup> "Malicious registrations, where a domain is registered with malicious intent and, as such the registrant is likely complicit; compromised domains, which are registered by a registrant for a non-abusive purpose but are later compromised by malicious third-party actors in order to engage in DNS abuse—typically without the registrant's knowledge or consent" (see <https://73.schedule.icann.org/meetings/Ak56QREwurEgC4LuP>)



<p><b>3. Is work already being undertaken to address this issue?</b></p>	<p>Yes, research such as the <a href="#">Comar project</a> as well as <a href="#">Spamhaus</a> already distinguish between maliciously registered and compromised registrations in their assessment of DNS abuse. Similarly, the Contracted Party House hosted <a href="#">a session</a> on this topic at ICANN73. The team also notes that the DNS Abuse Institute is continuing work in this regard: “The DNSAI is currently leading an effort within the CPH DNS Abuse Working Group to develop a paper on the Malicious Registration versus Compromised Website topic”. The small team notes that if there is support to further explore work in this area, these efforts should be considered complementary and facilitate a common understanding of the difference between malicious and compromised registrations. The small team also notes that as these terms (malicious and compromised registrations) have already been defined in these other initiatives, no community energy should be spent on developing a definition.</p>
<p><b>4. Which process / approach could/should be used to address this issue?</b></p>	<p>After the community has been able to process the community outreach and other suggestions made in this report, if further tools are considered necessary, the small team recommends that the Council considers requesting the development of a Preliminary Issue Report on the topic of malicious registrations. The objective is to prepare the ground for tightly scoped policy development that would consider malicious registrations used for the distribution of malware, phishing or the operation of Botnet command and control systems. The goal of tightly scoped policy development would be to explore whether it is possible to identify indicators of malicious registrations that would trigger actions from Contracted Parties either at the time of registration or shortly after. Any policy development is expected to anticipate that the theme of malicious registrations may not be as clear cut in practice. As such, care must be taken that any proposed measures are balanced and proportional.</p>
<p><b>5. Considerations that may help inform the process identified under question #4</b></p>	<p>If there is support for proceeding with a request for a Preliminary Issue Report, the next step would be to complete the <a href="#">Issue Report Request template</a>. To help inform the Council’s consideration of this recommendation, the small team is providing the</p>

	<p>following input that may help contribute to the completion of such template:</p> <ul style="list-style-type: none"> <li>● Rationale for policy development: By restricting the work to malicious registrations, the GNSO Council would ensure that these efforts are within ICANN’s remit, and would avoid the complexities of issues involving actors outside of ICANN’s contractual regime, like hosting companies and content distribution networks. Focusing these PDPs on malicious registrations targets bad actors, and the impacts on legitimate registrants are correspondingly minimized. The scoping constraints on the work should also influence the results. The outputs should be short, simple, easy to implement requirements. Not only would clear obligations for registrars to mitigate malicious registrations reduce DNS Abuse, these obligations would reflect existing industry best practices.</li> <li>● Specific items to be addressed in an Issue Report / subsequent PDP: a) definition of malicious registrations, drawing from industry standards and research; b) patterns and factors that may help identify malicious registrations, based on industry best practice; c) potential actions that could be taken by Contracted Parties when malicious registrations are identified, recognizing that actions that need to be taken by other actors would fall outside of the scope of a PDP, d) consideration of how to ensure that any potential actions are proportionate and adaptable as the DNS abuse landscape may change as a result of actions taken through policy development.</li> </ul>
--	--

**Issue B**

<p><b>1. What is the issue that requires addressing?</b></p>	<p>Phase 0 is the point at which a malicious domain is registered, or attempted to be registered. One avenue in which this could occur is via bulk registration.</p> <p><b>Bulk registrations</b> The small team noted that even though there may be evidence of bulk registrations being used for malicious activities, there are also examples in which bulk registrations are used for legitimate purposes (e.g.,</p>
--	--

	cybersecurity purposes, brand or governments). It may be difficult to identify objective factors that could flag when bulk registrations may be intended for abusive purposes and there is a risk of impeding bulk registrations for legitimate purposes.
<b>2. Who has/have the ability to address the issue?</b>	Registrars
<b>3. Is work already being undertaken to address this issue?</b>	<p><b>Bulk registrations</b> Registrars may have policies in place that set out requirements for bulk registrations and may already have triggers that result in further checks to make sure that such registrations are not used for malicious activities, but the small team is not aware of information being widely available on this topic.</p> <p><b>Know Your Customer (KYC)</b> The team is unaware of what efforts are ongoing in this subject.</p> <p><b>Predictive algorithms:</b> Apart from examples from outside the immediate ICANN community such as COMAR, Logo collision, EU Common Logo, etc., the small team is not aware of any community work being undertaken on this topic.</p>
<b>4. Which process / approach could/should be used to address this issue?</b>	<p><b>Bulk registrations</b> The small team recommends that the GNSO Council requests the Registrar Stakeholder Group and others (for example, ICANN org, the RySG and the DNSAI) to further explore the role that bulk registrations play in DNS Abuse as well as measures that Registrars may have already put in place to address this vector. Based on the feedback received, the GNSO Council will consider whether further action on bulk registrations is deemed necessary.</p>
<b>5. Considerations that may help inform the process identified under question #4</b>	The small team identified a number of potential solutions that could assist in the prevention of DNS Abuse in Phase 0, but the small team recognized that further information and/or data gathering may be needed to better understand if/how these solutions could aid Contracted Parties (or are already being applied). If additional work is pursued on mitigating malicious bulk registrations (or other Phase 0 issues), potential solutions should be considered.

	<ul style="list-style-type: none"> <li> <b>Know Your Customer (KYC)</b>                      The small team is of the view that “Know Your Customer” (KYC) measures could play an important role in addressing DNS Abuse. However, there is currently little visibility on which KYC measures may be applied by Contracted Parties and what effect these may have on DNS Abuse. Further information on this topic may help identify whether further action is helpful in this area.                       Recognition of patterns in the case of bulk registration (e.g. over 100) could help reduce malicious registration, or at least reduce incentives. If the client is known, the process might be eased.                       The small team notes that there may be overlap with work undertaken in other areas such as the Registration Data Accuracy Scoping Team as well as pending legislation such as NIS2.                 </li> <li> <b>Predictive Algorithms</b>                      The small team notes that predictive algorithms may be useful but there is always the potential of false positives and the impact these may have on registrants. The small team observes that this suggestion is a possible solution that could be further explored by ICANN org and Contracted Parties. The small team noted that if such a solution would be developed and made available to Contracted Parties, incentives could be explored to encourage adoption.                 </li> </ul>
--	---

**Phase 1: Ensuring harmed parties know how AND to whom a complaint should be reported (e.g. which party is best placed to mitigate the harm) & Phase 2: Ensuring that reported complaints are well-formed and actionable**

<b>1. What is the issue that requires addressing?</b>	The small team observed that an actor attempting to report DNS abuse may not be able to determine which party is best positioned to mitigate the specific type of DNS-related harm. In addition, their DNS abuse reports may not always have the necessary information that
---	---

	<p>allows for CP action (if applicable). This may result in the inability to take quick action and/or create work for parties that do not have the ability to take action on the DNS Abuse reported. In addition, or perhaps as a result, the harmed party (reporter) may not gain relief from the reported issue.</p>
<p><b>2. Who has/have the ability to address the issue?</b></p>	<ul style="list-style-type: none"> <li>● Reporters need to know to whom their report should be directed: hosting provider, registrar, or (rarely) a registry. This is a powerful area for outreach.</li> <li>● Reports need to include sufficient information/evidence so that action can be taken and collection points can be designed to help aid in completeness;</li> <li>● CPs need to clearly communicate what type of information they need to be able to take action and in which instances;</li> <li>● Education / communication by all parties involved, including ICANN org, may help inform and create a virtuous cycle.</li> </ul>
<p><b>3. Is work already being undertaken to address this issue?</b></p>	<p>Yes, the Contracted Party House published a <a href="#">Guide to Abuse Reporting Practices</a>. In addition, a number of different community efforts are underway, including <a href="#">NetBeacon</a> which “empowers individuals and organizations to report online abuse and provides domain registrars the information and tools they need to act.”, by providing templates and a system for abuse data processing as well as <a href="#">abusetool.org</a> which is provided by the RrSG to “anyone dealing with online abuse and looking for the appropriate party to report it to which provides data on who are the actors involved in the maintenance of a given web-site, including hosts”.</p>
<p><b>4. Which process / approach could/should be used to address this issue?</b></p>	<p>With an eye towards outreach, the small team recommends that the Council encourage continued discussion between Contracted Parties and DNS Abuse reporters/potential reporters with the goal of further fine-tuning and promoting existing tools and initiatives, and/or those under development, to further work towards easier, better and actionable reporting of DNS Abuse. Take into consideration additional pipelines that might be helpful.</p>
<p><b>5. Considerations that may help inform the</b></p>	<p>(Please refer to item #3)</p>

<b>process identified under question #4</b>	
---	--

**Phase 3: Well-positioned party (e.g., contracted party, web-host, website owner/operator, etc.) takes action as necessary & Phase 4: Effective enforcement if appropriate action is not taken.**

<b>1. What is the issue that requires addressing?</b>	<p>In its conversations with ICANN Compliance, the small team identified two possible gaps in the interpretation and/or enforcement of the current agreements, namely:</p> <ul style="list-style-type: none"> <li>● For the Registry Agreement Specification 11, Section 3(a) it says "include a provision in their agreement with registrars,". The small team understands that this requirement is limited to the inclusion of the provision. However, further consideration may need to be given to what Registries are doing to ensure the text is indeed included in the Registration Agreement (ie Registries enforcing their own Registry-Registrar Agreements).</li> <li>● For RAA Section 3.18.1 ("Registrar shall take reasonable and prompt steps to investigate and respond appropriately to any reports of abuse"), it is unclear what "reasonable", "prompt", and "appropriately" mean, even though ICANN Compliance indicated that they enforce in the case of inaction. The ICANN Compliance response also indicated that "(t)he RAA does not require registrars to take any specific action on the domain names that are subject to abuse reports." And that "(t)he RAA does not prescribe the specific consequences that registrars must impose on domain names that are subject to abuse reports though". Members of the small team are concerned that this interpretation may allow DNS abuse to remain unmitigated, depending upon the registrar's specific domain name use and abuse policies.</li> </ul> <p>The small team noted that 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. However, before recommending a specific path, the small team is of the</p>
---	---

	<p>view that it is important to engage with Contracted Parties to obtain their input on how these potential gaps are best addressed.</p> <p>In addition, input from the Registrar Stakeholder Group has suggested that Contracted Parties in consultation with ICANN Compliance could draft a “Suggested Standards” document outlining standards for compliance (e.g., standards for responses to abuse reports) in the context of existing requirements as well as situations in which Contracted Parties recommend that ICANN Compliance take enforcement action (e.g., consistent failure to address clear and actionable DNS Abuse).</p>
<p><b>2. Who has/have the ability to address the issue?</b></p>	<p>Contracted Parties, ICANN Compliance</p>
<p><b>3. Is work already being undertaken to address this issue?</b></p>	<p>The small team is not aware of any specific work that is being undertaken in relation to these identified gaps.</p> <p>The small team did note that in relation to Registry Agreement Specification 11, Section 3(b), work has already been undertaken by Contracted Parties and ICANN org to clarify expectations (see <a href="https://www.icann.org/resources/pages/advisory-registry-agreement-spec-11-3b-2017-06-08-en">https://www.icann.org/resources/pages/advisory-registry-agreement-spec-11-3b-2017-06-08-en</a>). The Small Team would appreciate it if the involved parties were to provide further information on the actions being undertaken so as to better inform the GNSO Council’s discussion and decisions, incorporating this information in their DNS Abuse updates.</p>
<p><b>4. Which process / approach could/should be used to address this issue?</b></p>	<p>The small team recommends that the Council reaches out to the RrSG and RySG to share the findings of the small team and requests feedback on how these potential gaps can be best addressed.</p> <p>In addition, this letter should request that Contracted Parties initiate work on the “Suggested Standards” document as outlined above, in consultation with ICANN Compliance.</p> <p>Based on the feedback received to this letter, the Council will determine next steps, but at a minimum, the Council would expect to be kept up to date on any further work</p>

---

	that would be undertaken by Contracted Parties in consultation with ICANN Compliance.
<b>5. Considerations that may help inform the process identified under question #4</b>	<p>The small team noted that it is important to confirm with Contracted Parties that they have observed these same gaps and to engage in a conversation on what the best path is to address these gaps, recognizing that there are different avenues that could be explored.</p> <p>One aspect that also came up in the context of this conversation is whether there are or should be minimum required actions that are taken by Contracted Parties if DNS Abuse that is agreed to be within ICANN's remit is identified. This could also be raised in the outreach letter to Contracted Parties. (note, this would align with phase 3 - Well-positioned party takes action as necessary).</p>



## 4 Next Steps

### 4.1 Next Steps

The small team has submitted this report and recommendations to the GNSO Council for its consideration. Based on its review of the recommendations and subsequent decision, further work may be undertaken in this area.

## Annex A - DNS Abuse Small Team Assignment

### GNSO COUNCIL SMALL TEAM – WORK ASSIGNMENT OVERVIEW

<b>Subject</b> <b>Background</b>	<p data-bbox="428 401 574 432"><b>DNS abuse</b></p> <p data-bbox="428 443 1305 667">The topic of DNS abuse is a longstanding topic and the GNSO has undertaken a variety of activities on this topic in the past, including considering which aspects of the subject of registration abuse are within ICANN's mission to address and in particular, which are appropriate for ICANN to establish policies that are binding on gTLD registry operators and ICANN-accredited registrars<sup>2</sup>.</p> <p data-bbox="428 716 1344 898">While seeking to ensure that some of the past work is identified and recognized, this briefing paper will concentrate on more recent discussions which have seen calls from various parts of the community to do more to tackle DNS abuse. Here is a recollection of some of that recent work and discussion:</p> <ul data-bbox="477 947 1338 1482" style="list-style-type: none"> <li data-bbox="477 947 1338 1056">● The Competition, Consumer Trust &amp; Consumer Choice Review Team's (CCT-RT) <a href="#">Final Report</a> included three recommendations (14, 15, and 16) related to DNS abuse<sup>3</sup>.</li> <li data-bbox="477 1066 1338 1402">● The New gTLD Subsequent Procedures PDP, in considering the topic of DNS abuse and taking into account the recommendations from the CCT-RT, achieved consensus on recommendation 9.15 in its <a href="#">Final Report</a>, which in summary stated that a solution that is inclusive of all gTLDs, and not just new gTLDs, is needed; accordingly, no substantive recommendation was made. The PDP communicated this potential outcome to the GNSO Council in advance of the Final Report<sup>4</sup>.</li> <li data-bbox="477 1413 1338 1482">● As part of an educational and level-setting exercise, the GNSO Council invited the Contracted Parties House DNS Abuse Group</li> </ul>
-------------------------------------	--

<sup>2</sup> Some past work includes:

- Registration Abuse Policies WG Final Report from 2010: <https://gns0.icann.org/issues/rap/rap-wg-final-report-29may10-en.pdf> (some, but not all recommendations adopted)
- Staff best practices discussion paper from 2011: [https://gns0.icann.org/sites/default/files/filefield\\_26745/discussion-paper-rap-best-practices-28sep11-en.pdf](https://gns0.icann.org/sites/default/files/filefield_26745/discussion-paper-rap-best-practices-28sep11-en.pdf)
- Uniformity of Contracts to Address Registration Abuse Final Issue Report 2012: <https://gns0.icann.org/en/issues/registration-abuse/uofc-final-issue-report-20sep12-en.pdf> (Final Issue Report, but not sufficient support to initiate a PDP at the time)

<sup>3</sup> Note, recommendations 14 and 15 remain in a pending state. Recommendation 16 was approved in October 2020.

<sup>4</sup> See letter from the co-chairs to the GNSO Chair:

<https://gns0.icann.org/sites/default/files/file/field-file-attach/neuman-langdon-orr-to-drazek-27apr20-en.pdf>

to provide an update on its work and to facilitate a discussion on the topic. This discussion took place during the Council's [22 April 2021](#) Council meeting.

- As a next step in the educational and level-setting exercise, the GNSO Council invited SSAC members to provide a [briefing](#) on [SAC115](#) in May of 2021.
- DNS abuse has been a topic of discussion during ICANN meetings for several years now. Several of these discussions focused on establishing a common definition of DNS abuse. Most recently at ICANN72, the topic was discussed by various community groups. In advance of ICANN72, the ICANN Board hosted an [informational session](#) to “engage directly with various experts as it continues to formulate its views on what are the appropriate roles and responsibilities for ICANN in mitigating DNS abuse.” The topic of DNS abuse will be discussed as a plenary topic at ICANN73.
- Contracted Parties have been actively engaged in a number of activities including the development of [a guide](#) to report DNS abuse as well as the development and promotion of best practices to tackle DNS abuse (see for example [here](#)). They have also published a [“Guide to abuse reporting”](#) that is intended to better support reports of DNS abuse.
- During the GNSO Council’s Wrap-up session, the Council agreed to establish a small team on DNS abuse to consider what next steps, if any, the GNSO Council should consider to address DNS abuse.

#### Assignment

- As the topic of DNS abuse can be quite broad, depending on the definition that is applied, not all aspects of DNS abuse are considered to be within ICANN’s and the GNSO’s policy making remit. Similarly, depending on the type of abuse, it may not always be Contracted Parties who are in the best position to mitigate harms – others in the Internet eco system may play an equal or more important role. As a result, **the small team is expected 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.** An important element in considering whether policy work is needed is to better understand what “tackling DNS abuse” means, as there is unlikely to be a common understanding across the community and what constitutes DNS abuse being “addressed.”
- Should the small team recommend the initiation of policy work, it is worth noting that although Consensus Policies are one possible outcome of a Policy Development Process, other

	<p>outcomes are equally possible and acceptable (see section 10 of the PDP Manual).</p> <ul style="list-style-type: none"> <li>• Considering the current workload as well as other ongoing activities in this area, if the small team recommends further policy work by the Council it must articulate what specific problems this policy work is expected to specifically address and how it intersects with other ongoing activities. If no further policy work is recommended at this stage, the small team is expected to indicate whether there are any triggering events that could or should result in a reconsideration of this recommendation.</li> <li>• <i>However</i>, if the small team is not yet in a position to make a determination if policy work is needed and is instead of the view that further scoping of the topic is needed before a determination can be made on appropriate next steps, if any, it should develop the instructions for such a scoping team, factoring in the work that has already been undertaken through above mentioned initiatives to define and scope the topic of DNS abuse.</li> <li>• As part of its assignment, the small team may reach out to others in the community that have been vocal on the topic (such as the Governmental Advisory Committee and the recently established DNS Abuse Institute) to better understand what its expectations are of the GNSO and if/how it expects further policy work to contribute (or not) to the already ongoing initiatives.</li> </ul>
<p><b>Timing</b></p>	<p>Undetermined - The small team shall consider what next step(s) are most feasible and shall inform the Council of anticipated timing. The small team shall not take more than 2 months from convening to provide an update to the Council, including anticipated outcomes and timing expectations.</p>
<p><b>Members</b></p>	<p>Greg DiBiase (RrSG)          Mark Datysgeld (BC)          Maxim Alzoba (RySG)          Sebastien Ducos (RySG)          Thomas Rickert (ISPCP)          Wisdom Donkor (NCSG)          Justine Chew (ALAC liaison to the GNSO Council)          Philippe Fouquart (GNSO Chair)          Tomslin Samme Nlar (NCSG)          Paul McGrady (NomCom appointee to the GNSO Council)          Juan Manuel Rojas (NCSG)</p>

<b>Documents</b>	See background section and associated footnotes
<b>Notes</b>	See background section
<b>Next Steps</b>	<ul style="list-style-type: none"><li>● Staff support team to create inventory of past and recent GNSO / ICANN initiatives to address DNS Abuse</li><li>● Convene a meeting of the small team to consider the assignment.</li></ul>