ICANN | GAC

Governmental Advisory Committee

Copenhagen, 15 March 2017

GAC Communiqué – Copenhagen, Denmark [1]

I. Introduction

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Copenhagen, Denmark from 11 to 16 March 2017.

59 GAC Members and 8 Observers attended the meeting.

The GAC meeting was conducted as part of ICANN 58. All GAC plenary and Working Group sessions were conducted as open meetings.

II. Inter-Constituency Activities & Community Engagement

Meeting with the ICANN Board

The GAC met with the ICANN Board and discussed:

- 2-character country codes at the second level.
- The ICANN CEO's response to the questions in the Hyderabad Communiqué concerning mitigation of DNS abuse.
- Confidentiality of GAC documents.
- The Board's new process for considering and processing GAC advice.
- An update on the dot web auction issue.
- The facilitated discussion on IGO protections and Red Cross Red Crescent protections.
- CCWG-Accountability WS2
- GAC priorities

Meeting with the Generic Name Supporting Organisation (GNSO)

The GAC met with members of the GNSO Council and discussed increased engagement by GAC Members in Policy Development Processes 2-letter country codes at the second level, a proposed cross-community session at ICANN 59 on geographic names, the GAC-GNSO Consultation Group

---

[1] To access previous GAC Advice, whether on the same or other topics, past GAC communiqués are available at: https://gacweb.icann.org/display/GACADV/GAC+Communiques

1

Final Report Implementation Plan and common concerns about workload created by multiple simultaneous PDPs.

Meeting with the Country Code Name Supporting Organisation (ccNSO)

The GAC met with the ccNSO and discussed the ccNSO PDP on a retirement and review mechanism for ccTLDs, the Cross Community Working Group on Use of Country and Territory Names as TLDs, support for the GAC Working Group on Under-Served Regions regarding ccTLD issues, implementation of Bylaws concerning the Empowered Community and ICANN meeting scheduling. It was agreed that an inter-sessional conference calls between GAC and ccNSO be scheduled.

Meeting with the At Large Advisory Committee (ALAC)

The GAC met with the ALAC and discussed geographic names, the report commissioned by the Council of Europe on community applications, the survey being developed by the GAC Working Group on Under-Served Regions, the At Large Review and CCWG-Accountability Work Stream topics of joint interest.

Meeting with the Registrar Stakeholder Group (RrSG)

The GAC met with the Registrar Stakeholder Group of the GNSO and discussed Registrar operations, market developments and mechanisms for dealing with abuse.

Meeting with the geoTLD Group

The GAC met with the geoTLD Group (representing Top-Level domains identifying a city, region, language or culture) and discussed policies on geographic names, cooperation with local authorities and issues with national data protection laws.

Meeting with the Universal Acceptance Steering Group (UASG)

The GAC received an update from the Universal Acceptance Steering Group (UASG) on their activities to make IDN domain names and email addresses, as well as new gTLDs, work seamlessly on all browsers, applications and software programs. The GAC noted with interest that the UASG would be publishing a White Paper on 11 April 2017, and discussed suggestions on how governments can assist with the dissemination of UA information and engage their own departments and local software communities to make their systems UA Ready.

Customer Standing Committee (CSC)

The GAC was briefed by members of the Customer Standing Committee for Public Technical Identifiers (PTI) on the operations of the Committee to date.

Data Protection

The GAC met with data protection officials convened with the assistance of the Council of Europe. The discussion enabled meaningful exchanges on the implementation of data protection principles in ICANN. Participants expressed the need to continue this important dialogue and took note of the proposal of the Chair of the Committee of Convention 108 to provide replies to any questions put to it. The GAC welcomed these exchanges and encourages ICANN to continue the dialogue with data protection authorities to enhance privacy and data protection.

Cross-Community Discussions

The GAC Public Safety Working Group led a cross-community session on DNS abuse mitigation, covering trends in abuse and the need for mitigation; industry responses; and the role of ICANN. The session highlighted new initiatives by ICANN's Office of the CTO as well as solutions to be explored by the Community towards effective DNS Abuse Mitigation, including leveraging New gTLD auction proceeds where appropriate.

The GAC Working Group on Under-Served Regions led a session that explored options for capacity building and ICANN engagement in developing countries.

III. Internal Matters

1. **New Members**

The GAC welcomed Zimbabwe as a new Member. This brings GAC membership to 171 Members, and 35 Observers.

2. **Board-GAC Recommendation Implementation Working Group (BGRI-WG)**

The BGRI-WG and the GAC met and discussed the issues of what constitutes GAC advice, clarity of GAC advice and post-Communiqué calls between the GAC and the ICANN Board. Work in these areas will be pursued in the lead-up to the Johannesburg meeting

3. **GAC Working Groups: Updates as reported to the GAC**

The GAC Operating Principles Review Working Group agreed to present the GAC with proposed minor amendments to the GAC Operating Principles, including introducing online voting for the upcoming GAC elections, with a view to formalising those amendments according to the procedures outlined in Operating Principle 53. The amended principles will be subject to further

review as part of a holistic approach that has already started in parallel. In that respect, the Working Group also agreed to present the GAC with a preliminary list of high-level principles, to be considered as subject headings for a fully revised set of Operating Principles. The Working Group recommended that the GAC closed its Working Group and that ongoing efforts to revise the GAC Operating Principles could continue within GAC Plenary sessions.

The GAC Under-Served Regions Working Group held two sessions to progress its work and provide updates on various activities as stipulated in its work plan. In order to progress ongoing work, the Working Group Co-Chairs met with:

- The ccNSO and the PTI to discuss and explore various approaches to the tasks mandated by the GAC for the Working Group to act as the first point of contact for GAC Members experiencing ccTLD delegation and re-delegation issues.
- The Development and Public Responsibility Department (DPRD) of ICANN to discuss collaboration in developing and implementing a Working Group survey for GAC Members from underserved regions.
- The Government Engagement, Global Stakeholders Engagement and Security Stability and Resiliency teams of ICANN to plan for the next series of regional capacity development sessions for GAC Members and law enforcement agencies from underserved regions in Asia Pacific, Middle East and Latin America and the Caribbean before the end of 2017.

The Working Group will continue to participate in the following activities:
- The new gTLD Subsequent Procedures PDP specifically Work Track 1 which is dealing with "Support for Applicants from Developing Countries".
- Work by the CCT Review on developing country issues.
- CCWG on New gTLD Auction Proceeds.
- CCWG Accountability WS2 subgroup on Diversity.

The GAC Human Rights and International Law Working Group received an update from the rapporteur of the CCWG WS2 Human Rights sub group on preparation of a Framework of Interpretation for ICANN's Human Rights Bylaw. The Working Group also discussed human rights perspectives of the Council of Europe's Report on Applications for Community-based New gTLDs with one of the authors of the report.

The GAC Working Group on Protection of Geographic Names in New Rounds of New gTLDs reviewed a proposal to establish a set of best practices rules and the possible establishment of a repository of names. It was informed and agreed that there will be a cross-community webinar and a cross-community dialogue session during ICANN 59. The Working Group will engage in these dialogue efforts and will continue working on a possible proposal.

The GAC Working Group on GAC Participation in the NomCom agreed that the Working Group will refine a text on "GAC criteria for NomCom" and share a new version with the GAC before the next ICANN meeting. About the possible appointment of a GAC non-voting member in the NomCom, the Working Group will review legal background and previous experiences in fulfilling this role. This information will be shared with GAC when available and analyzed.

The GAC Public Safety Working Group (PSWG) reported to the GAC on its analysis of the response provided by ICANN to Annex 1 of the GAC Hyderabad Communiqué and proposed a Follow-up Scorecard. It informed the GAC that it will be seeking endorsement of a Draft Security Framework for Registries to Respond to Security Threats, which text was agreed upon with representatives of Registry Operators in Copenhagen. Similar endorsement will soon be sought regarding the upcoming PSWG proposal for a Law Enforcement Disclosure Framework as part of the Privacy/Proxy Services Accreditation Policy Implementation (PPSAI IRT). Regarding the Registration Directory Service (RDS), Working Group volunteers nominated by the GAC to join the RDS Review Team are seeking guidance from the GAC to define the scope of the Review. The PSWG proposed that GNSO suggestions in this matter be endorsed, except for any limitations imposed on matter that may or may not overlap with the ongoing Next Generation RDS PDP. Building upon the meeting of the GAC and the data protection officials, the Working Group briefed the GAC on the balance to be achieved between privacy, the needs of law enforcement and public interests in any future RDS.

4. Independent Secretariat

The GAC noted that the current contract with ACIG to provide an independent secretariat service to the GAC expires in July 2017 and agreed that the GAC leadership urgently engage with ICANN on its extension. Pledges from GAC members to contribute to the costs of the secretariat have been increasingly numerous but to date not sufficient to maintain the same level of service provided, which implies the need for adjusting the level of service provided in the short term. Further pledges are sought and encouraged as a matter of urgency. In addition, the GAC leadership will work on mid-term solutions with a view of finding sustainable funding arrangements.

IV. Enhancing ICANN Accountability

The GAC continued to work on a series of measures to implement the ICANN Bylaws that came into effect on 1 October 2016. These include the provision of GAC Advice to the Board and procedures for GAC participation in the Empowered Community.

The GAC received an update from Members representing GAC in CCWG-Accountability Work

Stream 2 activities, in which they will continue to participate.

In particular, the GAC noted the importance of the jurisdiction questionnaire as a key point of CCWG WS2, and calls on all governments and other stakeholders to respond to it before the expiry of the deadline of 17 April 2017. Other activities of CCWG WS2 also need to be pursued.

V. Other Issues

1. Competition, Consumer Trust and Consumer Choice Review Team (CCT-RT)

The GAC was briefed by the CCT-RT on the Review Team's work, including the recently released draft report. GAC Members will review the draft report in detail.

2. New gTLDs: Substantive Policy Issues

The GAC discussed specific policy issues relevant to possible future release of new gTLDs, including:

- Community-based gTLD applications: Following the Council of Europe's submission to the GAC at ICANN 57 of their report "Applications to ICANN for community-based new gTLDs: Opportunities and Challenges from a Human Rights Perspective", a presentation of the report's recommendations was provided by one of the authors. The GAC expresses support for these recommendations going forward for further consideration by the New gTLD Subsequent Procedures PDP Working Group.
- Support for applicants from developing countries.
- Geographic names.

3. ICANN Geographic Regions

The GAC will examine the issue of ICANN geographic regions and consider the issue further at the next meetings.

ICANN | GAC
Governmental Advisory Committee

VI. GAC Consensus Advice to the Board[2]

1. Protection of the Red Cross and Red Crescent designations and identifiers

Re-affirming previous GAC Advice for a permanent reservation of the Red Cross and Red Crescent designations and identifiers, the GAC acknowledges the conclusions of the facilitated dialogue held during ICANN 58 on resolving outstanding differences between the GAC's previous advice and the GNSO's past recommendations to the Board on the protections of the names and identifiers of the respective Red Cross and Red Crescent organizations.

Consistent with the conclusions of the abovementioned dialogue,

a. The GAC advises the ICANN Board to:

I.   request the GNSO without delay to re-examine its 2013 recommendations pertaining to the protections of Red Cross and Red Crescent names and identifiers (defined as "Scope 2" names in the GNSO process) which were inconsistent with GAC Advice.

RATIONALE
The GAC acknowledges the outputs of the facilitated dialogue on this topic and requests the Board to proceed accordingly without delay

2. IGO Protections

The GAC notes that a dialogue facilitated by the Board on this topic has begun between the GAC and the GNSO (including its relevant Working Groups). The GAC expects that these discussions would resolve the long-outstanding issue of IGO acronym protections and understands that temporary protections will continue to remain in place until such time as a permanent agreed solution is found. Based upon the facilitated discussions up to this stage,

a. The GAC advises the ICANN Board to:

I.   pursue implementation of (i) a permanent system of notification to IGOs regarding second-level registration of strings that match their acronyms in up to two languages and (ii) a parallel system of notification to registrants for a more limited time period, in line with both previous GAC advice and GNSO recommendations;

---

[2] To track the history and progress of GAC Advice to the Board, please visit the GAC Advice Online Register available at: https://gacweb.icann.org/display/GACADV/GAC+Register+of+Advice

II. facilitate continued discussions in order to develop a resolution that will reflect (i) the fact that IGOs are in an objectively unique category of rights holders and (ii) a better understanding of relevant GAC Advice, particularly as it relates to IGO immunities recognized under international law as noted by IGO Legal Counsels; and

III. urge the Working Group for the ongoing PDP on IGO-INGO Access to Curative Rights Protection Mechanisms to take into account the GAC's comments on the Initial Report.

RATIONALE

This Advice captures achievements made to date in the facilitated discussions, in the hope that this will be instrumental in resolving this long-standing issue at the earliest opportunity.

3. **Mitigation of Domain Name Abuse**

   a. **The GAC advises the ICANN Board to:**

      I. provide written responses to the questions listed in the Follow-up Scorecard attached to this Communique, no later than 5 May 2017 for appropriate consideration by the GAC before the ICANN 59 meeting in Johannesburg, taking into account that the ICANN President and CEO will act as contact point for the GAC in this matter.

RATIONALE

The GAC is seeking to assess the effectiveness of its Advice to the ICANN Board.

Annex 1 of the GAC Hyderabad Communiqué listed a number of questions to conduct such assessment in relation to Advice implemented as part of the 2013 Registrar Accreditation Agreement and the New gTLD Registry Agreement.

The GAC is also interested in assessing the contribution of the SSR and Contractual Compliance departments of ICANN to the prevention and mitigation of domain name abuse.

While ICANN responded to Annex 1 of the GAC Hyderabad Communiqué, the information provided was not sufficient to conduct the necessary assessments.

4. 2-Character Country/Territory Codes at the Second Level

In light of the discussions with the ICANN Board in Copenhagen on the Board Resolution of 8 November 2016 and its implementation of 13 December 2016 regarding two-letter country codes as second level domains,

a. The GAC advises the ICANN Board to:

I. Take into account the serious concerns expressed by some GAC Members as contained in previous GAC Advice

II. Engage with concerned governments by the next ICANN meeting to resolve those concerns.

III. Immediately explore measures to find a satisfactory solution of the matter to meet the concerns of these countries before being further aggravated.

IV. Provide clarification of the decision-making process and of the rationale for the November 2016 resolution, particularly in regard to consideration of the GAC advice, timing and level of support for this resolution.

RATIONALE

The GAC noted serious concerns expressed by some governments about the consequences introduced by the changes created by the 8 November 2016 Resolution. In particular, according to the new procedure it is no longer mandatory for the registries to notify governments of the plans for their use of 2-letter codes, nor are registries required to seek agreement of governments when releasing two-letter country codes at the second level, which, for example, allows registries to charge governments substantial fees.

VIII. Next Meeting

The GAC will meet during ICANN 59 in Johannesburg, South Africa, scheduled for 26-29 June 2017.

Part I. Implementation of 2013 RAA provisions and Registrars Accreditation

GAC Question (Hyderabad Communiqué)

1. WHOIS Accuracy Program Specification - Cross Validation Requirement

What is the implementation status of the 2013 RAA, WHOIS Accuracy Program Specification, Section 1 (e) which provides that Registrar will "Validate that all postal address fields are consistent across fields (for example: street exists in city, city exists in state/province, city matches postal code) where such information is technically and commercially feasible for the applicable country or territory"?

a) Detailed information on what registrars and ICANN have done to fulfill this RAA requirement to date;

b) A timeline with specific milestones & dates, including a projected closure date for complete implementation of this requirement

c) Detailed information on cross-field validation software, approaches, etc. that have been considered, including supporting data and research;

d) Detailed information regarding registrars' concerns about why specific options are not technically and commercially feasible, including supporting data and research; and

e) Current proposals for cross-field validation (published at the time they are shared with any registrar).

ICANN Response (8 Feb. 2017)

In mid-2014, ICANN Org and the Registrar Stakeholder Group jointly agreed to place on hold the across field validation initiative specified in Section 1(e) of the WHOIS Accuracy Program Specification to the 2013 Registrar Accreditation Agreement. This initiative was placed on hold due to the implementation of the domain verification and suspension requirement outlined in the WHOIS Accuracy Program Specification. Registrars were challenged with maintaining parallel tracks as it pertained to these two initiatives. Over the course of the last three years, ICANN Org has focused its efforts on identifying commercially reasonable and global solutions that would meet the requirements of the RAA as well as regional and global addressing and data format requirements. During ICANN57 in Hyderabad, India, ICANN Org presented the results of this research in an open session, as well as a strawman proposal to address this issue.

In January 2017, the WHOIS Validation Working Group was re-formed to focus its effort on identifying, specifying, and approving (by a minimum of two-thirds (2/3) vote of the Registrar WHOIS Validation Working Group), an appropriate set of tools to enable registrars to complete the across field address validation specified in Section 1(e) of the WHOIS Accuracy Program Specification of the 2013 Registrar Accreditation Agreement. Starting in the first quarter of 2017, the Working Group and ICANN Org plan to define and mutually agree upon the ability to determine if a solution(s) is commercially viable, based on provider criteria that will be drafted and agreed upon by Working Group and ICANN Org.

A complete set of documents is located on the Across Field Address Validation Wiki Page: https://community.icann.org/display/AFAV/Registrar+Across+Field+Address+Validation

The Wiki page also includes details of potential commercially reasonable solutions that the Working Group will evaluate and analyze in conjunction with ICANN Org.

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
I.1.1	GAC requests further details on *what registrars and ICANN have done to fulfill this RAA requirement to date* (question I.1.a). Based on ICANN's original response, it appears that a group has been formed but has as of yet produced no results, and no progress has been made in final implementation.		Open
I.1.2	GAC requests further details on its request for a *timeline with specific milestones & dates, including a projected closure date for complete implementation of this requirement* (question I.1.b). No closure date has been provided for completion and implementation of the Cross Validation contractual requirement.		Open
I.1.3	GAC requests further details on its request for *detailed information on cross-field validation software, approaches, etc. that have been considered, including supporting data and research* (question I.1.c). The answer provided by ICANN to date did not include any specific approaches, tools that were considered, rejected and the reasoning behind such decisions. No financial decision, discussion, analysis of any cross-field validation solutions were provided. Details on consideration or analysis of any solution by either ICANN or a third-party should be provided, including details such as name of third-party, cost, function, and other relevant information.		Open
I.1.4	GAC requests further details on its request for *detailed information regarding registrars' concerns about why specific options are not technically and commercially feasible, including supporting data and research* (question I.1.d). The answer provided to date did not include registrars' concerns such as the technical and/or commercial issues regarding cross-validation.		Open

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
I.1.5	Can ICANN provide details on why the *across field validation initiative* specified in Section 1(e) of the WHOIS Accuracy Program Specification was stopped if it was a contractual obligation per the 2013 RAA, WHOIS Specification? In addition, it is not clear why these requirements were viewed as separate streams as they were both detailed in the same WHOIS Specification.		Open
I.1.6	Please provide the GAC with the results of ICANN's strawman proposal *"identifying commercially reasonable and global solutions that would meet the requirements of the RAA as well as regional and global addressing and data format requirements"*		Open
I.1.7	As the across field address validation is a contractual obligation, why is it subject to being considered "commercially viable"?		Open
I.1.8	What is considered commercially viable?		Open
I.1.9	Has a deadline been set for developing a tool/methodology to enable registrars to complete the across field address validation specified in Section 1(e) of the WHOIS Accuracy Program Specification?		Open

Part I. Implementation of 2013 RAA provisions and Registrars Accreditation
2. Enforcement by ICANN of WHOIS Verification, Validation and Accuracy Requirement Per the 2013 RAA WHOIS Specification, how does ICANN enforce all registrar WHOIS verification, validation and accuracy contractual obligations? Please provide examples that demonstrate how ICANN is enforcing each of these contractual obligations?
ICANN Response (8 Feb. 2017)

ICANN Contractual Compliance monitors and ensures compliance with the verification, validation, and accuracy requirements of Section 3.7.8 of the 2013 RAA and the WHOIS Accuracy Program Specification (WAPS) through:
- Processing WHOIS inaccuracy complaints covering verification, validation, and investigation and correction of accuracy issues. Between November 2015 and November 2016, WHOIS inaccuracy complaints constituted approximately 70% of complaints processed by ICANN Contractual Compliance (almost 32,000 complaints).
- Performance of the ICANN Contractual Compliance registrar audit, which includes WHOIS data verification and validation requirements.
- Processing the WHOIS Accuracy Reporting System (ARS) inaccuracy reports. The ARS checks samples of WHOIS contact information format (syntax) and functionality (operability) for accuracy from across the gTLDs. The data is provided to ICANN Contractual Compliance for follow-up with registrars (including WHOIS inaccuracy complaints and registrar outreach).
- Proactive monitoring and outreach by ICANN Contractual Compliance.

Enforcement of Section 3.7.8: This section requires registrars to take reasonable steps to investigate and correct WHOIS data inaccuracies. Per contract, Registrars have 15 calendar days after trigger event (for example: new registrations, inbound transfers, change to registrant information, WHOIS Inaccuracy complaints) to verify/validate, as applicable. ICANN enforces the obligation by requesting:
1. Evidence such as when, how, and with whom communication was conducted
2. Validation of any data updated following investigations
3. Verification of registrant email per Section 4 of WAPS

ICANN looks for one of three results when reviewing WHOIS inaccuracy complaints:
1. WHOIS updated within 15 days of notifying the Registered Name Holder – registrar provided documentation of validation of updates and verification (including affirmative response or manual verification)
2. No response from Registered Name Holder within 15 days of notifying Registered Name Holder – domain suspended until registrar has verified information
3. WHOIS verified as accurate (no change) within 15 days of notifying Registered Name Holder – registrar provided documentation of verification

ICANN may also request evidence of WAPS fulfillment under Section 1.

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
I.2.1	While the answer to question I.2 provides statistics and general information, it does not address the intent of the question. The GAC advice aimed at determining specifically what actions/steps are taken to verify, validate, and confirm the accuracy of contractually-required WHOIS information. In other words, is there a set of criteria used in verification, i.e., when a staff member reviews WHOIS complaints; are complaints tracked, analysed, etc.?		Open
I.2.2	What were the results of the 32,000 WHOIS complaints processed?		Open
I.2.3	Were any registrars de-accredited for WHOIS violations? If not, does that mean all 32,000 WHOIS complaints resulted in registrars taking appropriate actions?		Open
I.2.4	What actions, if any, has ICANN taken against any registrar for non-compliance of WHOIS requirements in 2013 RAA, starting January 1, 2014?		Open
I.2.5	Does ICANN consider de-accreditation for a WHOIS inaccuracy violation too severe? If so, should the RAA be amended to specifically provide a graduated scale of penalties or sanctions for WHOIS inaccuracies?		Open
I.2.6	Please provide specific actions, steps and analysis that ICANN takes during an audit?		Open
I.2.7	Does ICANN use a template or standardized methodology to conduct each audit?		Open
I.2.8	How often are audits conducted?		Open
I.2.9	What determines if an audit is needed, specifically?		Open
I.2.10	Who conducts an audit?		Open
I.2.11	How much time is needed for an audit? Hours, days, weeks?		Open

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
I.2.12	What are associated costs with audits? How much does each audit cost, with breakdown of labor, travel, and any other related costs?		Open
I.2.13	Please provide specific example(s) of actions taken after a report of an actual audit (with names redacted)?		Open
1.2.14	According to May 2016 Contractual Compliance Registrar Audit Report, "*Ten (67%) of the Registrars completed the audit with deficiencies […] These Registrars will require follow-up (i.e. partial re-audit) from ICANN to verify the remaining deficiencies have been remediated.*" How is this follow-up achieved, and how is it reported?		
I.2.15	Please define "proactive monitoring" and what actions are taken in this process?		Open
I.2.16	How often is proactive monitoring done?		Open
I.2.17	Does proactive monitoring apply to each registrar and registry? Why or why not?		Open
I.2.18	Does ICANN have enough resources to conduct proactive monitoring for each registry and registrar?		Open
I.2.19	What does ICANN mean by "outreach"?		Open
I.2.20	How is outreach conducted?		Open
I.2.21	Does ICANN have enough resources to conduct outreach to each registry and registrar? Specifically, what is considered "follow-up" with registrars?		Open
I.2.22	Please explain how ICANN defines "evidence" in this context of ICANN's enforcement of Section 3.7.8 related to the investigation and correction by Registrars of WHOIS data inaccuracies.		Open
I.2.23	How many domain names have been suspended due to no response of Registered Name Holder within 15 days of request for verification of WHOIS data accuracy?		Open

Part I. Implementation of 2013 RAA provisions and Registrars Accreditation
GAC Question (Hyderabad Communiqué)
3. Diligence by ICANN in Relation to Registrars' Duty to Investigate Reports of Abuse What is the standard of diligence that ICANN applies to registrars in the registrar's duty to respond to reports of abuse according to Section 3.18 of the 2013 RAA?
ICANN Response (8 Feb. 2017)

ICANN Contractual Compliance monitors compliance with Section 3.18 of the 2013 RAA through:
- Processing abuse complaints submitted through the Registrar Standards Complaint Form (https://forms.icann.org/en/resources/compliance/complaints/registrars/standards- complaint-form).
- Conducting the Registrar Audit Program which includes the obligations of Sections 3.18.1, 3.18.2, and 3.18.3 of the 2013 RAA.

For abuse complaints, ICANN confirms that the reporter sent abuse report(s) to registrar abuse contact email address before ICANN sends complaint to registrar. Once confirmed, ICANN could request the registrar to provide:
1. A description of the steps taken to investigate and respond to abuse report
2. The amount of time taken to respond to abuse report
3. All correspondence with complainant and registrant
4. The link to website's abuse contact email and handling procedure
5. The location of dedicated abuse email and telephone for law-enforcement reports
6. The Registrar's WHOIS abuse contacts, email address, and phone number
7. Examples of steps that registrars have taken to investigate and respond to abuse reports include:
    a. Contacting the registrant
    b. Requesting and obtaining evidence or licenses
    c. Providing hosting provider information to complainant
    d. Performing WHOIS verification
    e. Performing transfer upon request of registrant
    f. Suspending domain

#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
I.3.1	Unfortunately, ICANN has not provided specific details in how it investigates reports of abuse by providing specific documentation. While it is understood ICANN would not want to release information or waste resources on superfluous or unfounded abuse reports, it would be helpful if ICANN can provide a clear, transparent and consistent investigative approach to reports of abuse.		Open
I.3.2	What are the determining factors for ICANN to request the information listed from registrar when handling abuse complaints?		Open
I.3.3	Is there a threshold and/or standardized analysis performed for each report of abuse?		Open
I.3.4	Is all of the information listed in the answer requested of the registrar when investigating an abuse report? If not, how does ICANN determine which questions are presented to registrar?		Open
I.3.5	Does ICANN prepare a written report upon the completion of each investigation, with supporting documentation?		Open
I.3.6	Please provide comprehensive statistics detailing how many reports of abuse are received by ICANN and their outcomes or adjudication.		Open
I.3.7	Please provide a report of measures that have been taken against registrars, including violation, date, and length of investigation, costs associated, outcomes and follow-ups.		Open

Part I. Implementation of 2013 RAA provisions and Registrars Accreditation
GAC Question (Hyderabad Communiqué)

4. Awareness Efforts by ICANN on Registrars' Obligations:

What efforts does ICANN undertake to ensure registrars, are educated and aware of their contractual obligations? Per 2013 RAA, Section 3.13, can ICANN provide details of required training, for instance:

    a.   Is there an ICANN training program with corresponding links and information?

    b.   How often is this training provided?

    c.   Other details of the training program?

ICANN Response (8 Feb. 2017)

Yes. ICANN has developed a training program in collaboration with the registrar community. The program is intended to help ICANN-accredited registrars understand and comply with their obligations under the Registrar Accreditation Agreement and incorporated consensus policies. The training is available on the ICANN Learn training
platform: https://www.icann.org/resources/pages/registrar-training-resources-2015-09-23- en.

The training is web-based and can be accessed at any time upon successful account creation and login. Section 3.13 of the 2013 RAA requires the primary contact or designee to complete a training course covering registrar obligations under ICANN policies and agreements. A Certificate of Registrar Training Course Completion is published at https://www.icann.org/resources/pages/registrar-training-resources-2015-09-23-en.

Registrars are required to send in a signed and dated copy of the certificate upon successful completion of the training program.

In addition, ICANN conducts outreach to contracted parties at ICANN public meetings, GDD Industry Summits, via a webinar-type approach, or through published material on ICANN.org. The outreach provides overall contractual guidelines, informs of policy and/or contract changes, and provides an opportunity to proactively collaborate and address compliance issues.

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
	None		

Part I. Implementation of 2013 RAA provisions and Registrars Accreditation

GAC Question (Hyderabad Communiqué)

5. Vetting Registrar Accreditation Applications

ICANN has listed criteria for registrar accreditation. Please explain how these criteria have been put into practice and enforced? Specifically:
   a. How does ICANN verify information provided in registrar accreditation applications?
   b. What databases, record checks, etc. are used?
   c. How many applications has ICANN received since the new process began? Of those, how many applications have been rejected, why?
   d. How long does it take ICANN to evaluate each application?
   e. What are the financial costs associated with processing each application, including verification costs?

ICANN Response (8 Feb. 2017)

ICANN conducts a thorough review of applications for Registrar Accreditation. This review includes, but is not limited to:
   • Background checks conducted through a third-party service provider, Thomson Reuters. These checks include: Litigation, Bankruptcy, Regulatory, and Law Enforcement checks, as well as internet searches.
   • Financial review; a review of financial statements and bank verification
   • Review of good standing documents, e.g., Certificates of Incorporation, Business Registration/License
   • ICANN Contractual Compliance status

ICANN has received a total of 2,157 applications in calendar years 2012 through 2016, four of which were withdrawn and eleven of which were rejected. Reasons for rejection included background check findings, financial review findings (such as insufficient cash on hand), and application review findings.

Table 1. Registrar Accreditation Applications, 2012 – 2016

Year	Applications	Withdrawals	Rejections
2012	57	0	6
2013	183	2	3
2014	519	1	1
2015	847	1	1
2016	551	0	0
Total	2157	4	11

Review of Registrar Accreditation Applications take on average three to six months. However, this timing is largely dependent upon the responsiveness of the applicant. Delays in applicant response may extend the overall review cycle to twelve months or longer.

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
I.5.1	GAC requests further details on *what are the financial costs associated with processing each application, including verification costs* (question I.5.d). How much does ICANN pay Thompson Reuters to conduct checks? Also, are there another costs ICANN incurs after it receives Thompson Reuters data, i.e., is further investigation or checks required?		Open
I.5.2	Have there been instances when the above-reference databases have not produced data? If so, what does ICANN do in such circumstances?		Open
I.5.3	Is Thompson Reuters able to provide above-referenced checks for every country in the world? If not, which countries are not included in their checks?		Open
I.5.4	What does ICANN do if there is insufficient or contradictory data provided by above-referenced checks?		Open

Part II. Implementation of New gTLD Applicant Guidebook and Registry Agreement

GAC Question (Hyderabad Communiqué)

1. Vetting Registry Accreditation Applications
The New gTLD Applicant Guidebook (v. 2012-06-04), Module 1, Section 1.2.1, Eligibility states that "ICANN will perform background screening in only two areas: (1) General business diligence and criminal history; and (2) History of cybersquatting behavior." How is ICANN monitoring, enforcing and/or verifying continued compliance with Section 1.2.1?

ICANN Response (8 Feb. 2017)

The Applicant Guidebook requirements were used to evaluate the applicants.

ICANN monitors, enforces, and/or verifies continued compliance via Article 1.3.a Representations and Warranties in the New gTLD Registry Agreement, which covers continued compliance with what an applicant stated in its application. ICANN monitors media reports including social media, reviews complaints received and the registry's annual certification where applicable, and conducts audits addressing these issues. Verifying compliance may include requesting different types of documents such as current Certificate of Subsistence (also known as "Good Standing Certificate") or the local equivalent, and recent fiscal year Financial / Operational Statement or the local equivalent (audited, if available with redacted proprietary or confidential data).

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
	None		

Part II. Implementation of New gTLD Applicant Guidebook and Registry Agreement	
GAC Question (Hyderabad Communiqué)	ICANN Response (8 Feb. 2017)
2. Security Checks, Specification 11, Section 3(b) a. Does ICANN collect and/or review these statistical reports or otherwise verify that the Public Interest Commitment is being met?	Specification 11 in the New gTLD Registry Agreement enables ICANN to request reports related to the Security Checks undertaken by Registry Operators and the actions taken to address them. ICANN reviews each report individually to address a reported issue; this is a proactive review initiated as a result of monitoring or an audit. Statistical reports most commonly include: - Number of domain names reviewed during analysis - List of domain names with potential threats - Type of the threat identified - malware, botnets - Type of actions taken in response to threats - Status (open/pending/closed) and statistics on actions taken - Additional details on threats such as IP address, geographic location, and registrant information - Trends and alerts
b. Is ICANN conducting any type of independent research that allows it to obtain metrics and generate statistics related to concentration of malicious domain names per registrar/registry and how this trends over a determined period of time	At this time, ICANN is not generating statistics on malicious domains in a comprehensive way. However, the Office of the Chief Technology Officer is conducting a research project that works with industry experts to develop a service that consolidates a number of DNS abuse-related data feeds to generate statistics on a variety of malicious domain names per registrar and registry. The intent of this research project is to provide an authoritative, unbiased, and reproducible data set that tracks DNS abuse-related trends over time.
c. If ICANN is conducting this research, please provide a brief explanation of how the analysis is performed and what specific actions ICANN takes in response to the resultsindicated by the data.	As mentioned in response 2b, there is a research project in development. The analysis being performed is to aggregate data feeds and generate an index based on the prevalence of the different kinds of abuse that are being reported. While ICANN's plans regarding actions with the data have not yet been finalized, it is likely those actions will include at least informing registries and registrars of their abuse statistics and their position relative to the median for the industry, and working with the organizations that request ICANN's help in mitigating the abuse.

Part II. Implementation of New gTLD Applicant Guidebook and Registry Agreement	
GAC Question (Hyderabad Communiqué)	ICANN Response (8 Feb. 2017)
2. Security Checks, Specification 11, Section 3(b) d. If ICANN is NOT conducting this research, please explain why not. In the interests of transparency, the GAC requests a report containing these statistics and summaries of actions taken in response to the security threats identified above.	At this point in time, the tool used to aggregate and report on DNS abuse is still under development. The current plan is to have the tool in beta by the second quarter of 2017
e. The GAC would like to remind ICANN that the list of Security Threats in the New gTLD Safeguards is not meant to be exhaustive. In fact, the Security checks Safeguard applicable to all New gTLDs refers to "security threats such as phishing, pharming, malware, and botnets" (emphasis added), which does not exclude other relevant threats. Please describe what analysis and reporting is conducted regarding other relevant threats not listed above, including spam?	The tool being developed is limited to the data we can collect from the various malicious domain name-related services such as SURBL, Spamhouse, etc. At this time, the data available allows us to aggregate information relating to malware, botnet command and control, phishing, and spam. As more forms of abuse are provided via data feeds we can gain access to, the tool will be modified as appropriate.

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
II.2.1	The purpose of this question was to solicit beneficial information on how Specification 11 3(b) is fostering greater security through diligence, transparency and action, especially in the new gTLD space. The response provided on the receipt of reports with unidentified actions, statistics, etc. should be more detailed in determining whether Specification 11, 3(b) is successful in identifying, mitigating and attributing abuse on the DNS through domain name registrations.		Open
II.2.2	Can ICANN provide the list of statistical reports it has received, per below response?		Open
II.2.3	How many reports has ICANN received?		Open
II.2.4	Does ICANN take any action based on the content of those reports? If so, what actions, specifically? If not, why?		Open

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
II.2.5	Please list and describe what specific actions on domain names with potential threats are taken? Is there reporting to law enforcement or national CERTs? ICANN contractual enforcement actions? Other actions?		Open
II.2.6	Please provide statistics on open/closed/pending actions reported.		Open
II.2.7	How is "*Additional details on threats such as IP address, geographic location, and registrant information*" used in relation to security checks?		Open
II.2.8	What specific actions does ICANN take regarding "trends and alerts?"		Open
II.2.9	The GAC PSWG is aware ICANN has been working on an Advisory to clarify the provisions of Specification 11 section 3(b) in the New gTLD Registry Agreement relating to the identification and reporting of Security Threats. Considering the origin of these provisions in the New gTLD GAC Safeguards, does ICANN plan to consult with the GAC PSWG in this matter?		Open
II.2.10	When does ICANN plan to issue these clarifications?		Open

Part II. Implementation of New gTLD Applicant Guidebook and Registry Agreement
GAC Question (Hyderabad Communiqué)
3. Awareness Efforts by ICANN on Registries' Obligations What efforts does ICANN undertake to ensure registries, are educated and aware of their contractual obligations? Is there an ICANN training program with corresponding links and information?
ICANN Response (8 Feb. 2017)
ICANN conducts outreach to contracted parties at ICANN public meetings, GDD Industry Summits, via webinars, and through published material on ICANN.org. The outreach provides overall contractual guidelines, informs of policy and/or contract changes, and provides an opportunity to proactively collaborate and address compliance issues. In addition to the ongoing efforts outlined above, in 2014, ICANN's Global Domains Division conducted a series of global, interactive, hands-on workshops designed to provide guidance to Registry Operators, Registry Back-end Technical Operators, and Agents of Registries.

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
	None		

Part III. DNS Abuse Investigation, reporting and mitigation performance

1. Abuse Investigations, Research, Reports

ICANN's IS-SSR programs are an internal resource that could be utilized for contract enforcement purposes. In addition to ICANN's IS-SSR programs, there are several publically available anti-abuse reports that can be used to assist ICANN in enforcing contractual obligations with gTLD registries and registrars.

a) Is ICANN contract compliance staff aware of such publically available abuse reports?
   i. If so, does ICANN utilize these to assist in contract enforcement?
   ii. If ICANN utilizes such publicly available abuse reports for contract enforcement purposes, how does it utilize such reports?
   iii. Identify what reports or sources ICANN utilizes?
   iv. If ICANN does not utilize these reports for contract enforcement purposes, is there any reason why not to? Are there any plans or a willingness to do so in the future?
b) Does ICANN have any intention to utilize its IS-SSR programs for contract enforcement purposes?
   i. If so, how?
   ii. If not, why not?
   iii. Has ICANN's IS-SSR considered establishing a baseline for good registry and registrar   behavior? If so, please provide details.

ICANN Response (8 Feb. 2017)

Regarding questions III.1.a and III.1.b, ICANN's Contractual Compliance Approach and Process includes monitoring activities that are ICANN-initiated, based in part on industry articles and trend analysis. This includes publicly available anti-abuse reports and ICANN-generated reports. These reports may be used for Compliance review and action to the extent that the reports cover topics that are within the scope of the 2013 Registrar Accreditation Agreement and Registry Agreement. In addition, these reports are one part of the selection criteria for the registrar and registry audit programs.

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
III.1.1	ICANN has not provided information about how it utilizes "*publicly available abuse reports*" (question III.1.a.ii). The answer "*These reports may be used for Compliance review and action to the extent that the reports cover topics that are within the scope of the 2013 Registrar Accreditation Agreement and Registry Agreement*" does not provide any information on what specifically ICANN contract compliance does with the reports, especially as it relates to IS-SSR. For example, if IS-SSR either finds out from a third-party or discovers through ICANN internal analysis, that a registrar or registry is either committing abuse or allowing abuse, what does Contract Compliance do? Is there a formalized process to deal with these situations?		Open
III.1.2	ICANN has not identified reports or sources it utilizes (question III.1.a.iii). Please provide specifics.		Open
III.1.3	ICANN has not answered whether it intends "*to utilize its IS-SSR programs for contract enforcement purposes*" (question III.1.b.i), and if so how, and if not, why.		

Part III. DNS Abuse Investigation, reporting and mitigation performance

GAC Question (Hyderabad Communiqué)

2. Multi-Jurisdictional Abuse Reporting

ICANN's former Chief Contract Compliance Officer, Allan Grogan, published a blog post on 1 October 2015 entitled "Update on Steps to Combat Abuse and Illegal Activity". In this blog post, Mr. Grogan indicates the complainant must identify the law/regulation violated and the applicable jurisdiction. Many cyber/malware/botnet attacks affect many TLDs spread across many international jurisdictions.

a) Please clarify what procedures should be followed when a complainant seeks to submit valid reports of abuse to registrars involving incidents in multiple jurisdictions?

b) In particular, what does ICANN require from complainants to identify those laws/regulations in the jurisdictions of each affected registrar?

ICANN Response (8 Feb. 2017)

Reporters should provide as much information as possible when submitting a complaint, including information regarding alleged violations of laws/regulations in one or more applicable jurisdictions.

As stated in the blog, ICANN Contractual Compliance considers it reasonable for a registrar to expect that a report of abuse or illegal activity should meet at least the following criteria, absent extenuating circumstances or reasonable justification:

1. The complaining party should be identified in the abuse report and should provide a way for the registrar to contact the complaining party.
2. The specific url(s) that are alleged to be the source of the abuse or illegal activity should be identified, i.e., the registrar should not have to guess or search the website to understand where the offending material is located or offending activities are being conducted.
3. The nature of the alleged abuse or illegal activity should be identified with specificity, including identification of the relevant law or regulation alleged to be violated and the applicable jurisdiction where such law or regulation is in effect.
4. If the complaint alleges infringement or violation of an individual or entity's rights under a law or regulation, the report should identify the individual or entity whose rights are alleged to be violated or infringed, and the relationship between the complaining party and such rights holder (e.g., is the complaining party the individual or entity whose rights are alleged to be violated or infringed, or an authorized agent of that party or is there some other relationship).
5. If a court, regulatory authority, or law enforcement agency has made a formal determination that abuse or illegal activity is taking place, that formal determination should be submitted if available.
6. If the abuse report requests the registrar's compliance with a particular law or regulation, it should set forth the basis for believing that the registrar is subject to that law or regulation.
7. A complaining party should not submit multiple abuse reports complaining about the same instance of the same activity if the registrar has previously responded to an abuse report about that activity.

ICANN requires sufficient information to enable ICANN and the registrar to review and determine a proper response or action in relation to the alleged violation of law or regulation for the applicable jurisdiction(s).

Follow-up			
#	Follow-up GAC Question	ICANN Answer to Follow-up Question	Status
	None		