Agenda Item 32: DNS Abuse Mitigation

Issue

The GAC's Public Safety Working Group has been seeking to assess the effectiveness of previous due diligence recommendations and anti-abuse safeguards.

Such assessment would require regular public reporting of DNS Abuse by ICANN as a basis for the analysis. This would provide a starting point for informed policy making and targeted contractual compliance enforcement. In this respect, a good step forward is the new development of ICANN's Domain Abuse Activity Reporting Tool (DAAR). This and other ongoing abuse analysis initiatives should be promoted and coordinated, with transparent and detailed reporting put in place.

Additionally, while the recruitment of a Consumer Safeguards Director before ICANN59 was received favorably by the GAC and PSWG, it is unclear whether the definition of the role will respond to the GAC's expectations. The GAC should contribute to the further development of this role.

GAC Action Required

Regarding Assessment of Effectiveness of Safeguards

1. Consider requesting a follow-up to the DNS Abuse Study commissioned by the CCT Review Team in view of the lack of detailed analysis on safeguards effectiveness, as highlighted by public comments to the Study

2. Mandate the PSWG to follow-up on deficiencies identified in Annex 1 questions & answers through informal communications with ICANN Executives

3. Mandate the PSWG to contribute to the development of the Consumer Safeguards Role at ICANN.

Regarding Public Abuse Reporting by ICANN

4. Actively pursue the establishment of a detailed and regularly updated Public Abuse Reporting system by ICANN, based on the data collected in various ongoing initiatives.

5. Support and attend the GAC Sponsored Cross Community Session entitled "Reporting of DNS Abuse for Fact-Based Policy Making & Effective Mitigation"

6. Consider adopting a set of Abuse Reporting Principles (see attachment to this briefing) to be discussed in the ICANN60 Cross Community Session

7. Consider possible GAC Advice related to the adoption of Abuse Reporting Principles depending on outcome of Cross Community Session

Current Position & Recent Developments

- In its Hyderabad Communiqué of 8 November 2016, the GAC requested written answers from ICANN on a set of targeted questions relating to DNS Abuse and ICANN's efforts at prevention, mitigation and response. The questions covered implementation of the 2013 RAA, Registrars accreditation, implementation of New gTLD Applicant Guidebook, Registry Agreement, and DNS Abuse mitigation through the ICANN Contractual Compliance department.

- On 8 February 2017, the ICANN CEO provided its answers in a letter to the GAC Chair. However, the information provided by ICANN was not sufficiently detailed to conduct the necessary assessments.

- On 15 March 2017, the GAC followed up and advised the ICANN Board in the Copenhagen Communiqué to "provide written responses to the questions listed in the Follow-up Scorecard […] no later than 5 May 2017".

- On 30 May 2017, the ICANN CEO provided draft answers to the Scorecard before engaging with the GAC in a dialogue concerning DNS Abuse and ICANN's processes, as proposed by the ICANN Board in its 26 April 2017 Scorecard on GAC Advice.

- A first Abuse Mitigation Dialogue with the ICANN CEO was held on 14 June 2017. The GAC set the goal to: 1) initiate a regular conversation to continue to address concerns, 2) establish metrics and standards for proactive monitoring of DNS Abuse and 3) seek regular reporting of Abuse and relevant actions/inactions by ICANN

- The dialogue led to the identification of new initiatives that may address some of the remaining concerns and reporting needs in future. In particular, the PSWG has identified, engaged and is monitoring several ongoing initiatives that are expected to contribute to the establishment of regular public reporting of DNS Abuse by ICANN, both from a substantive and procedural perspective:

  - Domain Abuse Activty Reporting Tool
  - Identifiers Techonology Heath Index
  - gTLD Marketplace Health Index
  - Abuse Study Commissioned by the CCT Review

- On 22 September 2017, a GAC Public Comment was submitted on the above Abuse Study, highlighting the importance of regular, detailed and public reporting.

- The GAC has sponsored a Cross-Community Session on DNS Abuse analysis and reporting at ICANN60 in Abu Dhabi (see separate briefing).

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ATTACHMENT 1: Abuse Reporting Principles (under discussion)

<u>Proposed Principles for ICANN Reporting of DNS Abuse and related initiatives (for discussion)</u>

1. Scope DNS Abuse
   o Should include misuse of domain names and DNS infrastructure that raise public interest concerns and that can be addressed through ICANN Policy and Contracts
   o Should be evolutionary to address evolution in threat landscape
   o Should include phishing, malware, botnets (per Beijing Safeguard GAC Advice)
   o Should include spam given industry recognition of it being a gateway to other sort of abuse such as malware distribution and phishing (as reflected in the DAAR Project)
   o Should also include other trusted feeds related to specific types of illegal content, such as child sexual exploitation materials

2. Identification of DNS Abuse
   o Should rely on industry reputable sources
   o Should be archived to allow for analysis of trends over time
   o Should be based on state of the art metrics, including recommendations from studies commissioned at ICANN and elsewhere
   o Should include actionable metrics

3. Reporting of DNS Abuse
   o Should be publicized on ICANN's website (transparency)
   o Should allow identification of parties involved in abusive behavior
   o Should be updated daily

4. Use of DNS Abuse Reporting in ICANN Policy Making
   o Policy Development Processes should be mandated to consider DNS Abuse reporting and possible measures for prevention and mitigation
   o Policy Development Processes should be resourced appropriately to request studies and analysis of data gathered as part of DNS Abuse Reporting

5. Use of DNS Abuse Reporting in ICANN Contracting
   o Future amendments to the RAA and the registry agreement should consider DNS Abuse reporting in order to ensure the inclusion of effective provisions to address DNS Abuse

6. Use of DNS Abuse Reporting in ICANN Contractual Compliance
   o ICANN should report regularly on how Abuse reporting informs contractual enforcement
   o ICANN should define abuse thresholds and criteria for specific action on and identification of bad actor based on historical data
   o ICANN Contractual Compliance should report on actions taken based on DNS Abuse reporting