
GAC Opening Plenary Session

Session # 1 - Opening Plenary

Session Objective

The GAC Opening Plenary Session is the first formal opportunity for GAC participants to gather, introduce themselves and prepare for the ICANN Public Meeting week. During this session the GAC Chair also typically (1) provides a “state of the committee” review, (2) summarizes the GAC meeting agenda for the week and (3) identifies topic highlights and priority matters that merit GAC Member focus and attention.

Session Agenda

During this ICANN80 opening session, the GAC Chair will welcome in-person and remote attendees, highlight particular aspects of the meeting week agenda and share logistical information to help all attendees participate effectively during the meeting week. It is traditional for a representative of the government of the country hosting the ICANN public meeting to offer brief welcoming remarks during the opening plenary session.

The Chair will also highlight a number of substantive and operational matters that the committee is currently addressing and identify a number of work efforts that will attract committee attention in the coming months.

In this hybrid meeting format the committee will also engage in the traditional “tour de table” ceremony during which all GAC delegates will be invited to introduce themselves. First, in-person delegates will identify themselves, followed by remote participants who raise their hands remotely to indicate their desire to speak. Delegates will be invited to share comments on their meeting goals and expectations.

Time permitting, GAC members will review the Communiqué drafting process for ICANN80. The process has progressively evolved in the past several years and attendees will be familiarized with how some of those recent innovations will be encompassed for this public meeting.

Recent Developments

GAC Chair Reporting

Time permitting, the GAC Chair will likely report on recent discussions among ICANN Community leaders from other ICANN Supporting Organizations and Advisory Committees and recent communications among the Board-GAC Interaction Group (BGIG).

Since ICANN79, the GAC has provided written public comment to the ICANN community regarding a Review of the Draft Applicant Support Program (ASP) Handbook – New gTLD Program. A copy of

those filed comments is archived on the GAC Public Comments activity page at this link - <https://gac.icann.org/activity/gac-public-comment-opportunities>.

Since ICANN79, the GAC has also sent and received written correspondence regarding various matters of importance to GAC members including the GAC ICANN79 Communique (ICANN Board and GNSO), Potential Deferral of the Fourth Accountability and Transparency Review (Board), Submission of GAC Input on Community Consultation on PICs/RVCs (Board), the Applicant Support Program for the next round of new gTLDs (joint letter with ALAC to the Board), the Phase 1 Final Report of the GNSO EPDP on IDNs (Board), the use of Statements of Interest in the GNSO (GNSO), and a Proposed Update to Recommendation 7 by the New gTLD Auction Proceeds Cross Community Working Group (Board). Incoming and outgoing correspondence documents related to those matters and others since ICANN79 are posted and tracked on a special web page of the GAC website which can be accessed here - <https://gac.icann.org/advice/correspondence/>.

Key Reference Documents

- GAC Public Comment Opportunities Web Page - <https://gac.icann.org/activity/gac-public-comment-opportunities>
- GAC Correspondence Web Page - <https://gac.icann.org/advice/correspondence/>

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GAC Discussion on New gTLD Program Next Round

Session 2

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Session Objective

GAC Members to discuss matters pertaining to the new gTLD Program Next Round, and assess whether GAC advice should be issued at ICANN80 on GAC priority topics.

The session will focus on a GAC discussion on Applicant Support, with a specific focus on the Applicant Support Program Handbook including a briefing by ICANN org. This will be followed by briefing to the GAC on the Implementation Review Team (IRT) including recent developments and next steps. GAC members will also discuss potential GAC advice and GAC communiqué language on priority issues pertaining to new gTLDs.

Leadership Proposal for GAC Action

1. GAC Members to discuss the Applicant Support Program (ASP) with a focus on the ASP Handbook and next steps in preparation for the next round of new gTLDs to determine if further action by the committee is needed at this stage.
2. GAC Members to consider any action in response to recent Board decisions/actions on GAC priority topics as outlined in the following documentation:
 - a. [Board Action on ICANN79 GAC Advice](#) (5 May 2024), in response to the ICANN79 San Juan Communiqué, which includes responses to GAC advice and follow-up to previous GAC advice on:
 - Applicant Support Program (ASP)
 - Urgent Requests for Disclosure of Registration Data
 - b. [October 2023 Board Scorecard: Subsequent Procedures \(SubPro PDP\)](#) (26 October 2023), intended to facilitate the Board's consideration of the recommendations, affirmations, affirmations with modification, and implementation guidance (collectively Outputs)

contained in the [“Final Report on the New gTLD Subsequent Procedures Policy Development Process”](#) (Final Report) that were listed as in Section D “Pending” in the September 2023 Scorecard: Subsequent Procedures (September 2023 Scorecard).

- c. [September 2023 Board Scorecard: Subsequent Procedures \(SubPro PDP\)](#) (10 September 2023), (September Scorecard) which includes Board decisions on pending SubPro PDP WG Recommendations, issued in September. Please note this scorecard does not replace the March 2023 scorecard, but needs to be reviewed in parallel to the March 2023 Scorecard for a full picture on Board actions.
- d. [March 2023 Board Scorecard: Subsequent Procedures \(SubPro PDP\)](#) (16 March 2023) (March Scorecard), intended to facilitate the Board's consideration of the recommendations, affirmations, affirmations with modification, and implementation guidance (collectively “Outputs”) contained in the [Final Report on the New gTLD Subsequent Procedures Policy Development Process](#) (Final Report). The scorecard includes Board decisions on:
 - Outputs that the Board adopts;
 - Outputs that the Board adopts;
 - Outputs that the Board adopts with GNSO Council-Approved clarifications; and
 - Recommendations that the Board does not adopt at this time.

Current Status and Recent Developments

On 16 March 2023, the Board [resolved](#) to instruct ICANN org to begin the implementation of all Final Report Outputs detailed in Section A of the [“Scorecard on Subsequent Procedures PDP”](#) (March Scorecard) and to make available resources required for the successful and timely opening of the next round of new gTLDs. The ICANN Board approved ninety-eight (98) recommendations contained in the Final Report on the New gTLD Subsequent Procedures Policy Development Process, and marked the remaining thirty-eight (38) recommendations as “pending”.

The Board further directed ICANN org to deliver a comprehensive implementation plan to the Board no later than 1 August 2023, containing a work plan, relevant information for the Infrastructure Development stream, timelines and anticipated resource requirements to announce the opening of the next round of new gTLDs. ICANN org delivered the [implementation plan](#) for opening the next round of applications for new generic top-level domains (gTLDs), and on its [resolution](#) approved on 27 July 2023, the Board acknowledged receipt of the plan and directed ICANN org to provide the Board with periodic updates on its progress on program implementation, as well as to continue to prepare information for the Board Finance Committee on periodic requests for implementation funding as implementation work progresses through identified milestones. A [status update](#) on the New gTLD Program: Next Round was published by ICANN org on 24 May 2024. At the time of this briefing, ICANN org is in the process of finalizing an updated Implementation Plan to be released to the ICANN community in June 2024.

The Board engaged with the GNSO Council on items marked as “pending”, and following this interaction the GNSO Council transmitted to the Board the [New gTLD Subsequent Procedures Pending Recommendations - GNSO Council Clarifying Statement](#) (Clarifying Statement) on 5 September 2023, developed by the GNSO Council SubPro Small Team to address the Board's concerns on the pending Outputs. The GNSO Council noted the Clarifying Statement should be read as complementary to recommendations as stated in the Final Report and should be considered jointly with the Outputs for the purpose of implementation and operation of the New gTLD Program Next Round.

Following the ICANN77 GAC Communiqué and GAC concerns shared pertaining to Topic 30 of the Final Report of the New gTLD Subsequent Procedures Policy Development Process (SubPro PDP Final Report), GAC Advice and GAC Early Warnings, the GAC and Board engaged in a [discussion](#) on 28 July 2023. The GAC and Board further engaged on this matter at the Board GAC Interaction Group (BGIG) [meeting](#) on 20 September 2023.

In September 2023, the ICANN Board published several documents of interest to the GAC pertaining to new gTLDs. Relevant sections of these documents are summarized below for GAC membership ease of reference.

On 10 September 2023, the ICANN Board published the [September 2023 Scorecard: Subsequent Procedures PDP](#), i.e. an updated Board Scorecard on the SubPro PDP WG recommendations marked as “pending” in the Board Resolution on 16 March 2023.

The Board also published on 10 September 2023 the [Board Scorecard on ICANN77 GAC Advice](#), outlining Board decisions following the issuance of GAC advice at ICANN77.

On 21 September 2023, the Board published the [Board Scorecard on ICANN77 GAC Issues of Importance](#), outlining its comments and decisions on the GAC ICANN77 Issues of Importance following the Board-GAC Interaction on this topic.

The Board published on 26 October 2023 the [October 2023 Board Scorecard: Subsequent Procedures \(SubPro PDP\)](#), outlining Board decisions on pending recommendations from the SubPro PDP WG Final Report.

1. Policy Issues of Interest to the GAC Pertaining to the Next Round of New gTLDs

GAC members may wish to review in detail the [October 2023 Board Scorecard: Subsequent Procedures \(SubPro PDP\)](#), and the [Board Action on ICANN79 GAC Advice](#) (5 May 2024), in response to the ICANN79 San Juan Communiqué to determine whether GAC action should be taken at ICANN80, either through a dialogue with the ICANN Board at the GAC/Board bilateral meeting and/or via the issuance of GAC advice to the Board.

Prior to ICANN79 the Board directed the ICANN Interim President and CEO, or her designee(s), to initiate and facilitate a Board-level community consultation before starting the implementation process of Registry Voluntary Commitments/Public Interest Commitments, to conclude no later than ICANN79. The purpose of this consultation is to ensure that the [framework](#) for implementing these recommendations remains consistent with the ICANN Bylaws. This community consultation is expected to inform and aid the work of ICANN org with the SubPro Implementation Review Team

on developing the Applicant Guidebook. GAC members participated in the Community Plenary session on PICs/RVCs at ICANN79, and subsequently provided [input](#) to the Board on the consultation on 2 April 2024.

In its feedback to the Board, GAC members recalled the ICANN79 Communiqué where the GAC noted that *“Fundamental Bylaws Amendments should be considered carefully, and that an amendment should only occur if the ICANN community believes it is required.”* Based on input submitted during the consultation process, GAC members noted there doesn’t appear to be consensus support within the ICANN community for a Bylaws amendment. In the GAC’s view, at this stage there are not sufficient elements to justify commencing a fundamental bylaws amendment to explicitly enable the enforcement of content-related restrictions. At the same time, the GAC’s concerns about the enforceability of PICs/RVCs remain, and so the GAC will continue to explore options to address this important question.

2. Implementation Review Team (IRT)

The Subsequent Procedures **Implementation Review Team (IRT)** commenced its work in May 2023 and is expected to draft the next applicant guidebook in preparation for the next round of new gTLDs. The GAC appointed a representative and an alternate to participate in the process, provide input to the IRT and report back to the broader committee on areas of importance to the GAC. GAC members appointed to the IRT are: Canada (Representative) and UK (Alternate). ICANN org presented an updated [Implementation Plan](#) in October 2023 for the Implementation Review Team’s input, including the ninety-eight recommendations from the SubPro PDP WG Final Report and incorporates a phased approach taking into account multiple factors, including internal resource and SME availability and interdependencies on the various streams. The implementation plan currently assumes a 15-24 month timeline for drafting the Applicant Guidebook (AGB), with the support of the IRT. It is expected that the AGB will be published no later than December 2025.

On 1 February 2024, the IRT posted a [first public comment proceeding](#) in a series of proceedings that will seek input from the ICANN community on proposed language for the Applicant Guidebook (AGB) for the New gTLD Program: Next Round. The GAC did not submit collective input to this proceeding.

In this first proceeding, ICANN org published the following draft sections of the AGB:

- Predictability Framework (based on the outputs from Topic 2 of the Final Report);
- Code of Conduct and Conflict of Interest Guidelines (based on the outputs from Topic 8 of the Final Report);
- Conflicts of Interest Process for Vendors and Subcontractors (based on the outputs from Topic 8 of the Final Report);
- Applicant Freedom of Expression (based on the outputs from Topic 10 of the Final Report);
- Universal Acceptance (based on the outputs from Topic 11 of the Final Report);
- Reserved and Blocked Names (based on outputs from Topic 21 of the Final Report);

- Geographic Names

Since ICANN79, four new topics were discussed by the IRT:

- Communications (Topic 13 of the Final Report)
- Closed Generics (Topic 23 of the Final Report)
- IDNs (Topic 25 of the Final Report)
- Dispute Resolution Procedures After Delegation (Topic 33 of the Final Report)

In total, ten Public Comments were submitted by stakeholders from across the community on the proposed language for draft sections of the Next Round Applicant Guidebook (AGB). Submissions tended to find that the proposed language was consistent with the [Final Report on the new gTLD Subsequent Procedures \(SubPro\) Policy Development Process](#) (Final Report) outputs. There were also suggestions for amendments and/or clarification of the language on certain topics. All the Public Comments received will be carefully considered by ICANN org. Any changes required to the proposed language will be reviewed with the SubPro Implementation Review Team (IRT).

The Public Comment Summary Report (April 2024) is available for review [here](#).

The next tranche of topics is expected to be released for Public Comment Proceeding #2 in September, 2024.

More information from the IRT, as well as meeting recordings, and other material is available [here](#).

3. Applicant Support Program

The Applicant Support Program (ASP) was developed as part of ICANN's New gTLD Program. The ASP is intended to make applying for a new gTLD or operating a registry more accessible to applicants who would be otherwise unable due to financial and resource constraints. The ASP is for gTLD applicants seeking both financial and non-financial support (non-financial support could include help with preparing an application). This is a topic of high interest to governments, and GAC members issued advice to the Board on the ASP at ICANN79 and ICANN77.

A sub-track of the IRT is responsible for developing the **Applicant Support Program Handbook**, and GAC members are following and providing input to this process very actively. This sub-track released a [draft ASP Handbook](#) for public comment and the GAC submitted a [collective response](#) to this proceeding in April 2024. The ASP Handbook offers a step-by-step guide to applying for support and includes information on application deadlines, criteria, processes, and evaluation. The handbook is part of ICANN's effort to implement the policy recommendations on Topic 17: Applicant Support of the [Final Report on the New gTLD Subsequent Procedures Policy Development Process](#) while taking into account the Board's pending consideration of guidance provided by the [GNSO Guidance Process \(GGP\) for Applicant Support](#). The GAC also requested a communications and outreach strategy and a financial plan for the ASP through its ICANN79 advice. The financial plan has not yet been published and the GAC is currently scrutinizing the

outreach and engagement plan. The GAC has also collaborated across the ICANN community to scrutinize the development of the ASP, including by recently submitting a [joint letter](#) with the ALAC to the ICANN Board.

4. Next Round Website

The [website](#) for the New gTLD Program was launched following ICANN79, and it is expected to be a central source of information for the ICANN community as well as current and future new gTLD applicants. The website includes information about the program, tools and resources for applicants, updates on program status, and information regarding a specific round (e.g. 2012 versus the upcoming round). The initial rollout of the site provides details and information about the [Registry Service Provider \(RSP\) Evaluation Program](#) and the [Applicant Support Program](#).

Key Reference Documents

- [Board Scorecard on ICANN78 GAC Issues of Importance \(9 May 2024\)](#)
- [Board Action on ICANN79 GAC Advice \(5 May 2024\)](#)
- [Draft New gTLD Program: Next Round Applicant Support Handbook](#) (12 February 2024)
- [Board Action on ICANN78 GAC Advice](#) (21 January 2024)
- [Overview of Analyses of Costs and Benefits of a Next Round of the New gTLD Program](#) (22 January 2024)
- [GNSO Guidance Process \(GGP\) for Applicant Support Guidance Recommendation Final Report](#) (8 December 2023)
- [Implementation Framework for Content-Related Registry Commitments in the New gTLD Program: Next Round](#) (5 December 2023)
- [ICANN78 GAC Hamburg Communiqué](#) (30 October 2023)
- [October 2023 Board Scorecard: Subsequent Procedures \(SubPro PDP\)](#) (26 October 2023)
- [September 2023 Board Scorecard: Subsequent Procedures](#) - 10 September 2023
- [Board Scorecard on ICANN77 GAC Advice](#) (10 September 2023)
- [Board Scorecard on ICANN77 GAC Issues of Importance](#) (21 September 2023)
- [Scorecard: Subsequent Procedures \(SubPro PDP\)](#) - 16 March 2023
- [ICANN77 GAC Communiqué](#) - 20 June 2023
- [New gTLD Subsequent Procedures Operational Design Assessment](#) - 12 December 2022

- [GAC Consensus Collective Comment](#) (1 June 2021) on GNSO New gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration.
- [Final Report on the new gTLD Subsequent Procedures PDP WG](#) - 1 February 2021

Further Information

- GAC Policy Background Document on Subsequent Rounds of New gTLDs:
<https://gac.icann.org/briefing-materials/public/gac-policy-background-new-gtlds-subsequent-rounds.pdf>

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GAC Meeting with ICANN Board

Session 3

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Session Objectives

An ICANN Public Meeting creates the opportunity for the GAC to meet and interact with other ICANN groups, organizations and structures - enabling the committee to coordinate and resolve specific policy work and operational matters and to build channels of communication with other groups to address current issues of government interest and facilitate future informational exchanges. The GAC Meeting with the ICANN Board of Directors is one of those important opportunities. The Monday, 10 June GAC meeting with the ICANN Board at ICANN80 will enable the GAC to share views and ask timely questions of Board Members on topics of importance to the committee.

Recent Developments

Recent GAC-Board Meetings have covered a range of subjects and topics that have mostly centered around formal questions the GAC submits to the Board about two to three weeks before the start of the ICANN Public Meeting. For some meetings, the Board presents a number of standard questions or session topics to community groups for them to respond to the Board.

To date, the Board has not proposed any specific questions for the GAC at ICANN80, but staff will alert the committee if any are presented before the meeting.

With respect to the topics and questions from the GAC to the ICANN Board, during the ICANN80 Agenda Setting Calls on 18 April and 3 May, GAC members were reminded to share potential topics and questions for compilation by GAC Support staff and subsequent curation from the GAC Chair and Vice Chair team.

So far, the identified topics areas include the Applicant Support Program for the next round of new gTLDs, responses to urgent requests for disclosure of domain name registration, and policy process transparency. The C-VC will discuss and curate the questions that have been submitted. The initial list of questions for ICANN80 will be shared with the Board by 31 May.

GAC Members will discuss particular drafted questions to present to the Board during a special committee pre-meeting preparatory call before ICANN80, after which finalized questions will be shared with the Board in preparation for the meeting.

Session Agenda

Session #3 - Monday, 10 June (1145 UTC) - GAC Meeting with ICANN Board

A preliminary meeting agenda for the joint meeting (as of 27 May) is:

- A. Introductions
- B. Review of GAC Topics/Questions (shared in advance of meeting)
- C. AOB
- D. Closing

Further Information

Board-GAC Interactions -

- Within the ICANN multistakeholder community, the GAC has a fundamental relationship with the ICANN Board of Directors that is detailed in the ICANN Bylaws (see ICANN Bylaws Section 12.2(a)) and the Board-GAC meeting is a regular feature of every ICANN Public Meeting - <https://www.icann.org/resources/pages/governance/bylaws-en/#article12>
- From time-to-time, the GAC also hosts a meeting of the Board-GAC Interaction Group (BGIG) which is covered by a separate briefing document. For this meeting cycle, that meeting took place on 13 May 2024, during which Board members shared their reactions to the GAC Issues of Importance identified in the ICANN79 Communiqué. Information materials about that interaction can be found here - <https://gac.icann.org/sessions/boardgac-interaction-group-call-bgig-13-may-2024> (GAC ICANN Account log-in required).

Topical Reference Documents -

- The [Board Scorecard on ICANN79 GAC Advice](#) (5 May 2024), outlining Board decisions following the issuance of GAC advice at ICANN78.
- The [Board Scorecard on ICANN79 GAC Issues of Importance](#) (9 May 2024)

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GAC Meeting with the GNSO Council

Session 4

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Session Objective

The GAC and Generic Names Supporting Organization (GNSO) meet at ICANN Meetings to discuss policy matters of interest to both parties.

The agenda for the session is scheduled to focus on an exchange on the following topics:

1. High Level Government Meeting

- a. GAC Leadership to update the GNSO Council on the main take-aways from the HLGM.

2. GNSO Statements of Interest (SOIs)

- a. Discussion of GNSO letter and next steps for both groups to consider.

3. New gTLDs

- a. Applicant Support Program
- b. GNSO Council update on singular/plural issue
- c. Implementation Review Team (IRT) update
- d. Resolution of contention sets (*back-up item: pending news from Board*)
- e. RVCs (*back-up item: pending news from Board*)

4. Diacritics

- a. GNSO Council update

5. WHOIS

- a. Urgent requests
- b. Data accuracy

6. DNS Abuse:

- a. GNSO Council update on the Contracted Parties House summit meeting and summary of the output document.

Talking Points & Questions

Under development at the time of this briefing.

Background

With the pace of GAC participation in ICANN policy development activities changing in recent years, it has been observed that information sharing with various parts of the ICANN community is more valuable than ever to help GAC members understand the context of various DNS issues. At recent public meetings, the GAC has interacted with various community groups from the gTLD space including business, intellectual property and non-commercial interests. This meeting with the GNSO Council will continue that strategic communications approach.

The Generic Names Supporting Organization (GNSO) is a body within the ICANN community responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains. The GNSO is the largest Supporting Organization within the ICANN framework.

The GAC normally meets with the Chair and other members of the GNSO Council at each ICANN public meeting to discuss issues of common concern and identify methods for better cooperation. The current Chair of the GNSO Council is Greg DiBiase. Vice Chairs are Nacho Amadoz and Tomslin Samme-Nlar. The GNSO Liaison to the GAC is Jeff Neuman. The GAC's point-of-contact to the GNSO is Jorge Cancio (Switzerland).

The GNSO is a "federation" of different stakeholder groups. It is made up of two "Houses" - one "house" for parties contracted to ICANN (Registries and Registrars) and a second "house" for other non-contracted parties – commercial and non-commercial interests.

The GNSO Council and the GNSO stakeholder groups have different roles within the GNSO. The Council undertakes the role of manager of the policy development process. The Council is populated by representative members of the various GNSO stakeholder groups and constituencies. Comparatively, the stakeholder groups themselves (including the Registry Stakeholder Group (RySG) and the Registrar Stakeholder Group (RrSG) are focused on operational considerations, sharing information and helping their members understand the overall GNSO activities and responsibilities. Various stakeholder groups participate directly in policy development working groups.

Prior to ICANN Public Meetings, the leadership teams of both the GNSO Council and the GAC meet via teleconference to identify the most pressing issues that merit further face-to-face discussions at the upcoming meeting.

Further Information

Further information about the GNSO and its policy development process is available at <http://gnso.icann.org/en/about>. GNSO web site – <https://gnso.icann.org/en>

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DNS Abuse Mitigation

Session 5

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Session Objectives

This session aims to continue GAC consideration of ICANN org and ICANN community initiatives to prevent and mitigate DNS Abuse, including outcomes and next steps regarding the new responsibilities domain name registries and registrars at ICANN have to address phishing, malware, botnets, pharming, and spam.

The ICANN80 GAC Plenary Session on DNS Abuse will discuss trends and perspectives on DNS Abuse in Africa and consider what impacts the new obligations for Contracted Parties to disrupt/mitigate DNS abuse in gTLDs may have in the region. Speakers from national regulatory agencies, cybersecurity authorities and african organizations are expected to join the panel.

Leadership Proposal for GAC Action

- 1. Discuss trends and perspectives on DNS Abuse in Africa and consider what impacts the new obligations for Contracted Parties to disrupt/mitigate DNS Abuse in gTLDs may have in the region** based on a set of questions proposed by GAC Topic Leads on DNS Abuse:

DNS Abuse Trends and cases

1. Can you share any data/information on DNS abuse trends within your country/region and how these have evolved over time?
2. Do you see any particular pattern of DNS Abuse specific in the African region?
 - a. Could you present (if any) an example of such cases?
3. Could you present (if any) some [criminal] cases pertaining to DNS Abuse in your country (or region) that frustrate you from a government perspective?
 - a. Could you present (if any) some cases that drew a strong political attention?
4. What proportion of such DNS abuse do you see performed leveraging domains registered in African ccTLDs vs. domains registered in gTLDs?

5. Do you see differences in how such DNS abuse is dealt with by ccTLD Registry Operators, as compared to gTLD Registry Operators?

Policy & Solutions

6. To your knowledge, which measures taken by African DNS operators have been the most effective in mitigating DNS abuse?
7. Could you present (if any) example(s) of policy (or regulatory) action against DNS Abuse taken by African ccTLD registry operators?
8. Within the DNS Abuse categories, is there any policy priority in preventing / mitigating DNS Abuse in your country (or region)?
 - a. Could you present why, if possible?

Next Steps for the GAC and ICANN

9. What positive impacts do you think that the new ICANN contract provisions will have on DNS abuse activity in the African region?
10. What do you think the GAC should focus on when supporting the ICANN community in reflecting upon DNS abuse? What should be the priorities for the GAC agenda?
11. What improvements do you believe are needed in the detection, reporting, and mitigation of abusive domains? What would be the role of ICANN for those improvements?

2. Continue considering the scope of desirable policy development to further improve DNS Abuse prevention and mitigation in light of:

- Recommendation by the [GNSO Small Team on DNS Abuse](#) (7 October 2022) **to initiate a policy development process on malicious registrations**, and potential contractual negotiations on this matter, which should eventually be informed by findings of the Inferential Analysis of Maliciously Registered Domains (INFERMAL) project, to explore the drivers of malicious domain name registrations¹.
- The GAC's statement in the [GAC Comments](#) (17 July 2023) on the proposed Amendments that *"subsequent work with the multistakeholder community on DNS Abuse [...] should include Policy Development Processes (PDPs) to further inform the updated RA and RAA, as well as other work on outstanding issues to address prior to the next application round for New gTLDs."*
- The [summary report of Public Comments on the new amendments](#) (1 August 2023) in which ICANN org noted *"the ICANN community will have the opportunity to discuss these obligations and determine if further obligations are required [...]. ICANN org and the CPH NT support the comments from the GAC which stated that after the proposed amendments are adopted, work should include Policy Development Processes (PDPs) to further inform the updated Base RA and RAA."*
- ICANN Contractual Compliance's plans to enforce the new amendments, as [outlined to the GAC during ICANN79](#):

¹ See ICANN OCTO Blog "[New ICANN Project Explores the Drivers of Malicious Domain Name Registrations](#)" on 25 April 2023

- To conduct specific monitoring and prioritize the processing of complaints submitted by law enforcement and cybersecurity professionals
 - To facilitate the submission of valid complaints that provide enough information so that prompt action can be taken
 - To Include the new DNS Abuse obligations in the scope of future proactive audits
 - To produce a dedicated report on the enforcement of the new DNS Abuse requirements, published monthly starting in June 2024
 - To prepare a specific report on the enforcement of the new obligations after 6 months (to be published in Q2 2025)
- **The ICANN Board’s indication**, during a GAC/Board interaction on the ICANN79 San Juan Communiqué (13 May 2024)² that while Compliance reports are expected to contribute to measuring the impact of the DNS Abuse Amendments, **it would be up to a community-led effort, facilitated and supported by ICANN, to determine the specific metrics and data sets that will allow measurement** of such an impact.

² See [ICANN Board Comments on Issues of Importance in the ICANN79 San Juan Communiqué](#) (9 May 2024)

Current Status and Recent Developments

- **Amendments of the Registry and Registrar Agreements to Enhance DNS Abuse Mitigation Obligations**
 - Since ICANN66, **leaders of the GAC Public Safety Working Group have briefed the GAC** on the issue of DNS Abuse mitigation³ including **measures available to registries and registrars to prevent DNS Abuse**, in particular the role of registration policies (including identity verification) and pricing strategies as key determinants of levels of abuse in any given TLD; as well as on **possible avenues to address DNS Abuse more effectively at the ICANN Board and ICANN org level**, such as the revisions of ICANN Contracts with registries and registrars, the enforcement of existing requirements, the implementation of relevant CCT and SSR2 Review recommendations, Privacy/Proxy Service Provider policy recommendations, the improvement of accuracy of registration data, and the publication of more detailed domain abuse activity data.
 - In Communiqués in recent years, the GAC highlighted ***“the need for improved contract requirements to address the issue of DNS Abuse more effectively*** ([ICANN72 GAC Communiqué](#), 1 Nov. 2021) and proposed that *“Improved contract provisions could focus on the reporting and handling of DNS Abuse and enforcement of related contract requirements”* ([The Hague Communiqué](#), 20 June 2022). The GAC also stressed that ICANN is *“particularly well placed to negotiate improvements to existing contracts”* and *“to receive public input from the ICANN Community”*.
 - During ICANN75, the **GNSO Small Team on DNS Abuse, discussed “gaps in interpretation and/or enforcement” of the current ICANN contracts** as later reflected in its [Recommendations to the GNSO Council](#) (7 Oct. 2022).
 - In the [Kuala Lumpur Communiqué](#) (26 September 2022) the **GAC recalled its “support for ‘the development of proposed contract provisions applicable to all gTLDs to improve responses to DNS Abuse’⁴, for example those identified in the SSR2 and the CCT reviews”**
 - In December 2022, the [Registrar Stakeholder Group \(RrSG\)](#) and [Registry Stakeholder Group \(RySG\)](#) formally **notified ICANN to initiate negotiations** to respectively *“incorporate baseline contractual requirements to Section 3.18 of the RAA for registrars to disrupt and/or mitigate Domain Name System Abuse”* and *“enhance the DNS Abuse obligations contained in the [Registry Agreement]”*. An **ICANN CEO Blog** (18 Jan. 2023) confirmed ongoing work *“to define baseline obligations to require registries and registrars to mitigate or disrupt DNS abuse”* expecting that this should *“aid ICANN's Contractual Compliance team in its enforcement efforts with registrars or registries who fail to adequately address DNS abuse.”* It also noted this would be an opportunity for the ICANN Community *“to discuss and determine if further obligations are required via a policy development process”*.

³ See material of GAC plenary sessions during [ICANN66](#), [ICANN68](#), [ICANN69](#), [ICANN70](#), [ICANN71](#), [ICANN72](#), [ICANN73](#) and [ICANN74](#).

⁴ [ICANN70 GAC Communiqué](#), Section IV.1 p.5

- In the meantime, the GNSO's Business Constituency (**BC**) and Intellectual Property Constituency (**IPC**), and the At Large Advisory Committee (**ALAC**) [requested](#) (20 Jan. 2023) that *"community input is appropriately regarded, and to assist ICANN Org in its established role as an advocate for community needs and arbiter of the public interest"*. In its [response](#) (27 March 2023), the ICANN Board stated that both *"ICANN Board and org have listened carefully to the community over the last several years regarding DNS abuse. Taking **this approach to make focused improvements to the Agreements, to add a clear obligation for registries and registrars to mitigate DNS abuse, will be an important building block in a longer journey that envisions potential policy discussions open to the full ICANN community, and potentially future negotiations between the CPH and ICANN org.**"*
- In a [Pre-ICANN76 GAC Briefing on Contract Negotiation regarding DNS Abuse Mitigation](#) (28 February 2023) [GAC website login required] GAC Topic leads **discussed possible improvements to existing contract provisions** towards better clarity and enforceability, **as well as possible areas for new contract provisions** as discussed in the ICANN Community (notably by the CCT and SSR2 Reviews) **including: financial and reputational incentives, thresholds of abuse and compliance triggers, best practices and centralized abuse reporting.**
- During the GAC bilateral meeting with the ICANN Board during ICANN76, **the GAC encouraged the ICANN Board to consider conducting a listening session with the ICANN community** about the negotiations (See p.11 of the [ICANN76 GAC Meeting Minutes](#))
- In the ICANN76 [Cancún Communiqué](#) (20 March 2023), the GAC encouraged the ongoing negotiations *"to proceed expeditiously"* and noted that it *"considers that **continued efforts in this area will be required, including further improvement of contractual obligations and/or targeted policy development processes prior to the launch of a second round of New generic Top-Level Domains (new gTLDs).**"* In addition, the GAC encouraged *"Contracted Parties and ICANN to further consider, inter alia, proactive measures as well as positive incentives for registries and registrars in future work on DNS abuse mitigation or disruption."*
- In preparation for ICANN77, the **GAC Underserved Regions Working Group (USRWG)** organized two **webinars** to prepare newcomers and underserved regions GAC representatives to contribute to a Comment on the expected amendments of the Registry and Registrar contracts⁵.
- **ICANN org initiated a public comment proceeding** on the [Amendments to the Base gTLD RA and RAA to Modify DNS Abuse Contract Obligations](#) (29 May 2023) which were subsequently presented in a [ICANN77 Prep Week webinar](#) (30 May 2023). Among the various changes proposed to ICANN's contracts, the amendments include a **new requirement to promptly take appropriate mitigation actions against domains for which the contracted party has actionable evidence** demonstrating that the domains are being used for DNS Abuse. In addition to the [proposed contract amendments](#), a [draft ICANN](#)

⁵ See [Pre-ICANN77 GAC Capacity Development Webinar on DNS abuse #1](#) (4 May 2023) and [Webinar #2](#) (22 May 2023)

[Advisory](#) provides detailed explanation of the new provisions and sets expectations as to their interpretation.

- Following its discussions of the proposed amendments during ICANN77⁶, [GAC Comments](#) (17 July 2023) were submitted in the public comment proceeding:
 - The GAC noted that the amendments are *“timely and relevant and, when adopted, will represent an important first step forward to combat DNS Abuse.”*
 - The GAC stressed *“In light of the ongoing threat that DNS Abuse poses to consumers and the public and private sectors”, that “it is imperative that the improved contracts are swiftly adopted following the completion of the Public Comment process”*
 - **The GAC expressed support for “the proposed amendments as a general matter” but invited “ICANN org and the CPH NT to consider some specific issues related to the text of the amendments”.** These include: the DNS Abuse definition; reporting and monitoring by Contracted Parties; consequence for non compliance; providing the ICANN community the ability to monitor how compliance is enforced; the need for the Advisory to be updated from time to time; and the need to address DNS Abuse both inside and outside of ICANN.
 - **The GAC indicated looking forward to “engaging in subsequent work with the multistakeholder community on DNS Abuse after the amendments are adopted. This work should include Policy Development Processes (PDPs) to further inform the updated RA and RAA, as well as other work on outstanding issues to address prior to the next application round for New gTLDs.”**
- In its [Public Comment Summary Report](#) (1 August 2023), **ICANN org indicated that voting by registries and registrars will proceed on the amendments as initially proposed** and noted *“[r]egarding comments that the proposed amendments are insufficient to address the challenge of DNS Abuse”: ICANN org acknowledges the comments and reminds the community that the ICANN community will have the opportunity to discuss these obligations and determine if further obligations are required [...]. ICANN org and the CPH [Negotiating Team] support the comments from the GAC which stated that after the proposed amendments are adopted, work should include Policy Development Processes (PDPs) to further inform the updated Base RA and RAA.”*
- [Voting by registries and registrars](#) on the amendments started on 9 October 2023 for a duration of 60 days and concluded successfully with 80% of affirmative votes by Registries and 94% approval by Registrars⁷.
- The ICANN Board subsequently [resolved to approve the amendments](#) (21 January 2024) and determined that *“no further revisions to the proposed Global Amendments are necessary after taking the public comments and voting results into account”*.
- The [Amendment of the Registry Agreement](#), the [Amendment of the Registrar Accreditation Agreement](#) and the related [Advisory: Compliance With DNS Abuse](#)

⁶ See [ICANN77 GAC Capacity Development Workshop on DNS Abuse](#) (Sunday 11 June) and [GAC Discussion on DNS Abuse](#) (Wednesday 14 June)

⁷ Detailed voting results available at <https://www.icann.org/resources/pages/global-amendment-2024-en>

[Obligations in the Registrar Accreditation Agreement and the Registry Agreement](#) were published on 5 February 2024 and became effective on 5 April 2024⁸.

- During the ICANN79 ICANN meeting, ICANN Contractual Compliance outlined its enforcement plans to the GAC. These are expected to include:
 - Specific monitoring of complaints submitted by law enforcement and cybersecurity professionals and prioritization of their processing.
 - Facilitating the submission of valid complaints that provide enough information so that prompt action can be taken.
 - Inclusion of the new DNS Abuse obligations in the scope of future proactive audits
 - A dedicated report on the enforcement of the new DNS Abuse requirements to be published and updated every month, including data such as:
 - Number of complaints received broken down by the type of DNS Abuse;
 - Number of compliance notifications sent to contracted parties under the DNS Abuse requirements;
 - Number of cases resolved with contracted parties and their outcomes, including whether the contracted party took action to stop or to disrupt the DNS Abuse or whether no action was taken because there was no actionable evidence; and
 - Number cases resolved with contracted parties, and their outcomes, that resulted from complaints submitted by law enforcement agencies within the registrar’s jurisdiction.
 - By Q2 2025, ICANN Compliance intends to prepare a more detailed report related to the enforcement of the DNS Abuse requirements during the first 6 months in force.
- In the [ICANN79 GAC San Juan Communiqué](#) (11 March 2024), the GAC stated that it “*will track reports from ICANN Compliance on DNS Abuse enforcement*” and that “*there remains a general expectation that significant progress occur in advance of the next round of new gTLD applications*”.
- In its [ICANN Board Comments on Issues of Importance in the ICANN79 San Juan Communiqué](#) (9 May 2024) regarding the ICANN79 Communiqué, the ICANN Board stated: “***the intent is that Compliance’s reports contribute to measuring the impact of the DNS Abuse Amendments. However, determining the specific metrics and data sets that will allow measurement of such an impact should be a community-led effort, facilitated and supported by ICANN***”. It further indicated that “*an ICANN org cross-functional team working on analyzing the information and determining how to approach these efforts.*”
- During the recent [Contracted Parties Summit](#) (6-9 May 2024), Contracted Parties discussed the [implementation and impact of the Amendments](#) from their perspective. It was reported that the CPH DNS Abuse Subgroup is currently engaging ICANN Compliance on the way the amendments are being enforced.

⁸ See notices sent by ICANN org to [Registry Operators](#) and [Registrars](#) (5 Feb. 2024)

- **Prospects of policy development regarding the prevention and mitigation of DNS Abuse**
 - Per the [ICANN69 GAC Communiqué](#) (23 October 2020), ***“From the GAC’s perspective, the momentum has been increasingly building for concrete action as the Community has progressively engaged in constructive dialogue to advance work on a shared goal, the mitigation of DNS abuse. Beginning with the recommendations from the CCT-RT and the SSR2 RT and continuing through several cross-community sessions and more recent work on a DNS Abuse Framework, the GAC believes there is now a solid expression of broad support for concrete steps to be taken to address the core components of effective DNS abuse mitigation”.***
 - Since prior to the ICANN68 meeting, **the GAC Leadership has sought the establishment, in collaboration with the GNSO Council leadership, of a framework of possible community work and policy development to address DNS Abuse.** During the ICANN72 bilateral meeting between the GAC and the GNSO as reported in the [ICANN72 GAC Minutes](#), the GAC Chair reiterated that DNS Abuse *“is a long standing issue of interest to the GAC and that the GAC is interested in advancing community discussions, driving progress and convergence of views prior to the launch of new gTLDs”* and added that *“the GAC looks forward to agreeing on how to handle community wide discussions on DNS Abuse mitigation (a PDP, CCWG etc)”*
 - On 31 January 2022 the GNSO Council [formed](#) a **GNSO Small Team on DNS Abuse** expected to determine *“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”.*
 - In [The Hague Communiqué](#) (20 June 2022), the GAC stated that ***“any PDP on DNS Abuse should be narrowly tailored to produce a timely and workable outcome”*** to which the ICANN Board responded that it shares this view and is prepared to support the ICANN community in such pursuits⁹.
 - **The GNSO Small Team recommended** in a [Report to the GNSO Council](#) (7 October 2022): **the initiation of a tightly scoped policy development on malicious registrations** (Rec. 1), **further exploration of the role of bulk registrations play in DNS Abuse** and measures already in place to address it (Rec. 2), **encouraging further work towards easier, better and actionable reporting** of DNS Abuse (Rec. 3), and possible work between Contracted Parties and ICANN Compliance regarding its findings on potential gaps in interpretation and/or enforcement of the current ICANN contracts (Rec. 4). The GNSO Council proceeded with recommended outreach to [Contracted Parties](#) regarding Rec. 3 and to [Contracted Parties, the DNS Abuse Institute and ICANN Compliance](#) regarding Recommendation 2 (6 January 2023).
 - **Regarding bulk registrations**, the [ICANN Compliance response to the GNSO Council](#) (22 February 2023) states that *‘ICANN agreements and policies do not contain requirements or limitations related to registering domain names in bulk. As a result, ICANN Contractual*

⁹ See <https://gac.icann.org/sessions/boardgac-interaction-group-bgig-call-31-august-2022> (31 August 2022) [prior GAC website login required]

Compliance does not collect or track information on bulk registrations, [or] the potential role these may play in Domain Name System (DNS) abuse". The [DNS Abuse Institute's response](#) (24 February 2023) proposed that **"research would need to be conducted to determine the scale of any issues related to [Bulk Domain Registration] prior to any policy work"**, and noted the relevance of the [Framework on Domain Generating Algorithms Associated with Malware and Botnets](#) developed by the RySG and the GAC PSWG. The DNS Abuse Institute expressed support for payment-based approaches to fighting DNS abuse, and proposed that it would be worth **"to encourage Registrars to investigate all of the domains in a customer account where one is identified as malicious"** as part of **"sensible and practical options available to registrars that will reduce DNS Abuse [...] right now"**, in addition to **"friction at the time of registration"**.

- Based on further input received from Contracted Parties¹⁰, the **GNSO Small Team on DNS Abuse concluded**, as part of its [Preliminary Findings Preliminary Finding on Bulk Registrations](#) (15 May 2023), that **the topic of bulk registrations "does not fall within the realm of Consensus Policy at the moment"** to the extent that:
 - *Complaints from single or multiple registrations are handled uniformly, without clarity on what might constitute bulk registrations warranting targeted reactions.*
 - *The lack of a clear definition did not elicit a clear response.*
 - *Other Know Your Customer tools are deemed more efficient in detecting potential abuse, and should warrant more attention.*
 - *ICANN's recently started [Inferential Analysis of Maliciously Registered Domains \(INFERMAL\)](#) project seems to indicate a willingness from the org. to look into this matter and provide [...] better statistics and intelligence [on this matter]*
- In the [Hamburg Communiqué](#) (30 October 2023), the GAC stated its intention **"to engage with the community in discussions on policy efforts around [...] key themes linked to effective implementation of the amendments, such as clarification of key terms from the amendments (i.e. "reasonable", "actionable", "prompt"), and further actions to mitigate DNS Abuse, such as capacity building efforts"**.
- During the ICANN79 preparation call between the GNSO Council and GAC Leadership, it was indicated that at the moment, the GNSO Council is not actively considering policy development on DNS Abuse-related issues and that this is currently the subject of discussion within and between stakeholder groups in the GNSO.
- During a [bilateral meeting with the GAC in San Juan](#) (6 March 2024), the GNSO Council noted that the GNSO Small Team is currently paused while awaiting for data to be collected from ICANN Compliance on the impact of the amendments, and will resume once further information is provided to determine what if any policy development might be appropriate to address gaps in DNS Abuse mitigation.

¹⁰ See correspondence from the [Contracted Parties House \(CPH\)](#), [Registry Stakeholder Group \(RySG\)](#) and [Registrar Stakeholder Group \(RrSG\)](#)

- **Status and implementation prospects of Specific Reviews recommendations related to DNS Abuse disruption¹¹**
 - **The SSR2 Review delivered 63 recommendations** in its [Final Report](#) (25 January 2021) with a significant focus on measures to prevent and mitigate DNS Abuse.
 - The GAC considered a [Draft SSR2 Review Report](#) (24 January 2020) and endorsed many of the draft recommendations in a [GAC Comment](#) (3 April 2020). These were followed by [GAC Comments](#) (8 April 2021) on the final recommendations, and subsequent GAC Advice in the [ICANN72 Communiqué](#) (1 Nov. 2021) requesting follow-up action and further information on levels of implementation of certain recommendations, to which the ICANN Board [responded](#) (16 Jan. 2022), leading to further discussions during ICANN73¹², and communications by ICANN org to the GAC in a [letter](#) (18 March 2022) and a [follow-up email](#) (12 April 2022).
 - Based on the [ICANN Specific Review Quarterly Report](#) (31 March 2024), and based on several ICANN Board resolutions ([22 July 2021](#), [1 May 2022](#), [16 November 2022](#) and [10 September 2023](#)): **23 recommendations** are now **approved** (including 14 subject to prioritization for implementation), **38 rejected**, and **1 pending** further information.
 - On [10 September 2023](#), the **ICANN Board rejected 6 of the 7 Pending Recommendations relating to DNS Abuse** based on [assessment by ICANN org](#) - **12.1** (*DNS Abuse Analysis advisory team*), **12.2** (*structure agreements with data providers to allow further sharing of the data*), **12.3** (*publish reports that identify registries and registrars whose domains most contribute to abuse*), **12.4** (*report actions taken by registries and registrars to respond to complaints of illegal and/or malicious conduct*), **13.1** (*central DNS abuse complaint portal mandatory for all gTLDs*), **13.2** (*publish complaints data for third party analysis*) and **14.2** (*provide contracted parties with lists of domains in their portfolios identified as abusive*)
 - **In its discussion of contract negotiations on DNS Abuse, the GAC PSWG discussed¹³ several SSR2 recommendations that have been rejected** by the ICANN Board per the [Board Scorecard](#) (22 July 2021) - **8.1** (*commission a negotiating team that includes abuse and security experts to renegotiate contracted party contracts*), **9.4** (*regular compliance reports enumerating missing tools*), **14.4** (*provide contracted parties 30 days to reduce the fraction of abusive domains below the threshold*) and **14.5** (*consider offering financial incentives*) - **for which the GAC acknowledged** in the [GAC ICANN72 Communiqué](#) (1 November 2021) “*the procedural bases for the Board’s rejection*” **noting**, nevertheless, “*the useful substantive aspects of certain rejected recommendations, including those that aim to provide ICANN org and ICANN Contractual Compliance with appropriate tools to prevent and mitigate DNS abuse*”.

¹¹ The status of all recommendations may be consulted in the ICANN’s Quarterly Reports, the home page of each review, all accessible from <https://www.icann.org/resources/reviews/specific-reviews>

¹² See [ICANN73 GAC Minutes](#) p.13

¹³ See [PSWG Conference Call](#) on 14 February 2023 [prior GAC website login required]

- The **Competition, Consumer Trust & Consumer Choice Review Team's [Final Report](#)** (8 Sep. 2018) provided 35 recommendations. In the [Montréal Communiqué](#) (6 Nov. 2019), as clarified in subsequent [correspondence with the ICANN Board](#) (Jan. 2020), **the GAC advised the ICANN Board “not to proceed with a new round of gTLDs until after the complete implementation of the recommendations [...] that were identified as ‘prerequisites’ [14 recommendations] or as ‘high priority’ [10 recommendations].”** Following discussions related to the ICANN70 and ICANN71 Communiqués¹⁴, the GAC and ICANN Board agreed on an understanding stated in a [GAC/Board BGIG Call](#) (5 October 2021) [GAC Website Login required] as “the GAC would consider follow-up on the substance of the CCT Review recommendations and not the specific recommendations themselves.” Several of these recommendations were relevant to contract negotiations on DNS Abuse and were discussed by the GAC PSWG¹⁵:
 - **Recommendation 17** (collect data about and publicize the chain of parties responsible for domain name registrations) **was approved and implementation is complete** per its [Implementation documentation](#) as of 14 Sep. 2022.
 - **Recommendation 13** (collect data on impact of registration restrictions which the GAC noted “would allow for more informed decision and policy making with regard to future standard registry and registrar contract provisions”) and **Recommendation 20** (assess mechanisms to report and handle complaints and possibly consider amending future standard Registry Agreements to require registries to more prominently disclose their abuse points of contact and provide more granular information to ICANN) were approved in part per [Board Scorecard of 22 October 2020](#), and **their implementation is in progress with completion estimated between Q3 2023 and Q2 2024** according to the [ICANN Specific Reviews Q1 2023 Quarterly Report](#) (31 March 2023)
 - **Recommendation 14** (incentives to adopt proactive anti-DNS Abuse measures) and **Recommendation 15** (negotiate amendments to include provisions aimed at preventing systemic use of specific registrars or registries for DNS Security Abuse, and establish thresholds of abuse for automatic compliance triggers) **were rejected by the ICANN Board** ([resolution](#) of 10 September 2023)
- The **RDS-WHOIS2 Review recommendations LE.1 and LE.2** which sought “regular data gathering through surveys and studies to inform a future assessment of the effectiveness of RDS (WHOIS) in meeting the needs of law enforcement” and “conducting comparable surveys and/or studies with other RDS (WHOIS) users working with law enforcement on a regular basis” are now **considered to be “implemented to the extent possible”** in connection with work of EPDP Phase 2 and 2A as well as the SSAD ODP, per the [Implementation Documentation](#) (11 October 2022)

¹⁴ See Communiqué clarification discussions and eventual Board responses to the GAC's Follow-up on Previous Advice in the ICANN70 Communiqué and ICANN71 Communiqué: ICANN70 [Clarification call](#) (21 April 2021) and [Board response](#) (12 May 2021), and ICANN71 [Clarification call](#) (29 July 2021) and [Board response](#) (12 September 2021).

¹⁵ See [PSWG Conference Call](#) on 14 February 2023 [GAC website login required]

- **Measures and initiatives to mitigate DNS Abuse by Registries and Registrars**

- On 27 March 2020, ICANN org [executed](#) the [proposed amendment of the .COM Registry Agreement](#) which **extends contractual provisions to facilitate the detection and reporting of DNS Abuse to three-quarters of the gTLD namespace**¹⁶. Additionally, a binding [Letter of Intent](#) between ICANN org and Verisign lays out a cooperation framework to develop best practices and potential new contractual obligations, as well as measures to help measure and mitigate DNS security threats.
- **In the context of the COVID-19 crisis Contracted Parties and Public Safety stakeholders** reported¹⁷ on their collaboration to facilitate reports, their review and their referral to relevant jurisdiction through the adoption of a standardized form and the establishment of single point of contacts for relevant authorities. These efforts built on working relations established between law enforcement and registrars as well as the publication by the **Registrar Stakeholder Group** of a [Guide to Registrar Abuse Reporting](#) during ICANN67. This guide was [updated](#) (Jan. 2022) and endorsed by the **Registry Stakeholder Group**.
- **Public Interest Registry (PIR)**, Registry Operator of .ORG and several New gTLDs [launched](#) the **DNS Abuse Institute** (17 February 2021). This initiative was [presented to the GAC PSWG](#) (3 March 2021). In the [ICANN70 Communiqué](#), the GAC welcomed the launch of the DNS Abuse Institute and “*encouraged[d] community efforts to cooperatively tackle DNS Abuse in a holistic manner*”. The DNS Abuse Institute has since released a [Roadmap](#) (14 June 2021), regularly discusses best practices, and developed an [initiative to measure the use of the DNS for phishing and malware activities](#). During ICANN74, the GAC invited the DNS Abuse Institute to present [Net Beacon](#) (formerly known as the **Centralized Abuse Reporting Tool**), which it indicated it is developing in response to SAC115 and SSR2 Recommendation 13.1, and consistent with CCT-RT Recommendation 20. In advance of ICANN79, the DNS Abuse Institute [published](#) an analysis of [GAC Communiqués and Community Activity on DNS Abuse](#) (8 February 2024) in which it discusses the GAC’s positions, related Community activity and “current gaps”.
- **Several actors of the DNS Industry are actively seeking to contribute to the measurement of DNS Abuse** and of the effect the recently approved Amendments of the Registry Agreement and the Registrar Accreditation Agreements will have:
 - During ICANN78, the **DNS Abuse Institute** presented to the GAC its [Compass](#) project and methodology which aims to provide a rigorous and transparent approach to measuring DNS Abuse, and currently produces monthly abuse reports that discuss trends across the industry and specific registrars and registries that either have high or low rates of DNS Abuse. Based on its measurements, the DNS Abuse Institute reports that 80% of DNS Abuse gets mitigated within 30 days. It expects that

¹⁶ Such provisions include [Specification 11.3b](#) which had only been applicable to New gTLDs so far. As of March 2022, .COM totaled 161.3 million domains names registrations, which, excluding the 133.4 million ccTLD domains out of the 350.5 million domains across all TLDs, represent a 74% share of all gTLD domain registrations (see [Verisign Domain Name Industry Brief](#) of June 2022)

¹⁷ See Contracted Parties presentations [prior](#) and [during the ICANN68 meeting](#) and [PSWG briefing to the GAC](#) during ICANN68.

mitigation trends should evolve favorably in the future thanks to the amendments of the ICANN's contracts.

- **CleanDNS**, a service provider managing DNS Abuse on behalf of registrars, registries and hosting providers, discussed with the GAC, during ICANN78 and ICANN79, the importance of well evidenced reports of DNS Abuse, which need to be communicated to the most appropriate party (registry, registrar, hosting provider or registrant), to ensure that the time to mitigate the abuse is as short as possible so that victimization can be minimized.
- During the recent [Contracted Parties Summit](https://cpsummit2024.sched.com/) (6-9 May 2024), ICANN and Contracted Parties held a “Combatting DNS Abuse workshop” which discussed amongst other topics” “Most pressing concerns and challenges on DNS Abuse”, “Case Studies and Lessons Learnt from Challenging DNS Abuse Reports”. Recording of the open sessions are available at <https://cpsummit2024.sched.com/>.
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- **ICANN Org’s multifaceted Response¹⁸ (now part of the DNS Security Threat Mitigation Program) and contractual enforcement**

- ICANN org [presented](#) (22 July 2021) its [DNS Security Threat Mitigation Program](#) which aims to provide visibility and clarity over various DNS security threats related initiatives and projects, and allows for the formation and execution of a centralized strategy.
- **ICANN’s Office of the CTO (OCTO) and its Security Stability and Resiliency Team (SSR)** conduct research and maintain ICANN’s expertise in DNS security for the benefit of the Community. It is engaged in cyber threats intelligence and incident response fora, and develops systems and tools to assist in identification, analysis and reporting DNS Abuse¹⁹.
 - In response to the COVID-19 crisis, OCTO developed the **Domain Name Security Threat Information Collection and Reporting (DNSTICR)** tool to help identify domain names used for COVID-19-related abuse and share data with appropriate parties. The GAC was initially [briefed](#) on this matter prior to ICANN68 (12 June 2020) and GAC Members have been invited to contribute to the linguistic diversity of the tool.
 - Through its **Domain Abuse Activity Reporting (DAAR) platform**, ICANN has [reported monthly](#) since January 2018 on domain name registration and security threats behavior observed in the DNS²⁰. In October 2021, ICANN org and the Registry Stakeholder Group reported on their agreement in principle²¹ to leverage Registry-held registration data to provide registrar-level information in DAAR as [recognized by the GAC](#) in a letter to ICANN (21 February 2022). These changes were

¹⁸ See ICANN CEO blog on 20 April 2020 detailing ICANN Org’s [Multifaceted Response to DNS Abuse](#)

¹⁹ During a [GAC call on DNS Abuse Matters](#) (24 February 2021), ICANN org provided updates on OCTO’s DNS Abuse-related Activities, which included a discussion the definition of DNS Security Threats and DNS Abuse, Contracted Parties obligations, and updates on DAAR, DNSTICR, DSFI, KINDNS, and OCTO’s efforts in the area of training and capacity building throughout the world

²⁰ Several stakeholders and ICANN initiatives have commented on the limitations of DAAR, in particular a [letter](#) from the M3AAWG to ICANN org (5 April 2019) and the [Draft Report](#) of the SSR2 Review Team (24 January 2020). The Registry Stakeholder Group who had also expressed concerns made recommendations in a [correspondence](#) to ICANN’s CTO (9 September 2020).

²¹ See RySG letter to ICANN (22 October 2021) and ICANN Blog (28 October 2021)

included in the [Proposed Amendments to the Base gTLD RA and RAA to Add RDAP Contract Obligations](#) (6 September 2022) which the GAC welcomed in its [Comments](#) (16 November 2022). These amendments were recently [approved by the ICANN Board](#) (30 April 2023) and are expected to become effective by 3 February 2024.

- OCTO supported the **DNS Security Facilitation Initiative Technical Study Group**, [launched](#) in May 2020 as part of the implementation of the [FY21-25 Strategic Plan](#), to “explore ideas around what ICANN can and should be doing to increase the level of collaboration and engagement with DNS ecosystem stakeholders to improve the security profile for the DNS”. Its [Final report](#) (15 October 2021) was [released](#) after 18 months of deliberations. ICANN org [indicated to the GAC](#) (16 Feb. 2022) developing an action plan accordingly. The [implementation process](#) and a [wiki page](#) to track progress was introduced to the community on 20 April 2022. During ICANN74, the GAC discussed the value of prioritizing recommendation E5 for the establishment of a **threat and incident information sharing platform** among relevant stakeholders in the ICANN community²².
- A new project to be supervised by ICANN OCTO, [Inferential Analysis of Maliciously Registered Domains \(INFERMAL\)](#), aims to **systematically analyze the preferences of cyberattackers, including the use of domain names of certain registrars over others**, and possible measures to mitigate malicious activities across top-level domains (TLDs). This project is stemming in part from evidence gathered in the [Statistical Analysis of DNS Abuse in gTLDs](#) (9 August 2017)²³, suggesting that malicious actors may prefer registrars that provide low registration prices, accept specific payment methods, offer free application programming interfaces (APIs) for bulk registrations or avoid registrars that require certain information in the purchasing process. In a [pre-ICANN78 update](#) (25 October 2023), it was indicated that the research team was planning “to perform an analysis of identified security measures that help mitigate DNS abuse” and intended to “summarize a study on how quickly abusive domain names are suspended after operators are notified about the abuse”. It expected that a final report “in the form of a research paper” will be shared by September 2024 and that “best practices to effectively mitigate abuse” will be proposed.
- **Regarding Contractual Compliance enforcement** in its [blog](#) (20 April 2020), the ICANN CEO recalled: “ICANN Compliance enforces the contractual obligations set forth in ICANN’s policies and agreements, including the Registry Agreement (RA) and the Registrar Accreditation Agreement (RAA). ICANN Compliance also works closely with OCTO to identify DNS security threats [...] and associate those threats with the sponsoring contracted parties. ICANN Compliance uses data collected in audits [...] to assess whether registries and registrars are adhering to their DNS security threat obligations. Outside of

²² Recommendation E5 Incident Response of the [DSFI-TSG Final Report](#) (13 Oct. 2021): “ICANN org should, together with relevant parties, encourage the development and deployment of a formalized incident-response process across the DNS industry that allows for interaction with others in the ecosystem. Such an effort should include incident-response handling as well as the protected sharing of threat and incident information”

²³ This study was conducted as part of the CCT Review and a [GAC Comment](#) (19 Sept. 2017) was submitted on this report.

audits, ICANN Compliance will leverage data collected by OCTO and others to proactively engage with registries and registrars responsible for a disproportionate amount of DNS security threats. Where constructive engagement fails, ICANN Compliance will not hesitate to take enforcement action against those who refuse to comply with DNS security threat-related obligations.”

- Following a prior **Contractual Compliance audit** of Registry Operators focused on DNS Infrastructure abuse which concluded in June 2019²⁴, ICANN [reported](#) (24 August 2021) on the results of the audit on **Registrars’ Compliance with DNS Abuse Obligations**: 126 registrars audited (managing over 90% of all registered domains in gTLDs); 111 registrars not fully compliant with requirements related to the receiving and handling of DNS abuse reports (RAA Sections 3.18.1 – 3.18.3); and 92 registrars took actions to become fully compliant.
- On 9 March 2022, ICANN [announced](#) its rolling out of new reporting enhancing the visibility of complaint volumes and trends.
- **A new round of audits for 28 gTLD Registry Operators**²⁵ running gTLDs that have not previously been audited in a standard full-scope audit, and which were found to have the highest abuse score as reported by publicly available Reputation Blocklists (excluding Spam), was [announced](#) on 13 April 2022 and concluded with the publication of the [Audit Report](#) on 16 September 2022. The GAC discussed the findings during its [plenary session on DNS Abuse during ICANN75](#) (20 Sep. 2022).
- As part of [ICANN78 Prep Week](#) (9 October 2023, Contractual Compliance reported on its actions resulting from complaints²⁶, as well as on its [Audit Program](#), including:
 - [Completion of a Registrar Audit](#) (22 June 2023) of 15 Registrars “representing 7 registrar families comprising 619 registrars” based in 8 countries, totalling 83 million domain names under management (see list on p.17). 40% of auditees were able to resolve “initial findings” while 53% were not and “are implementing necessary changes” to resolve outstanding deficiencies (see pp. 10-14).
 - **Launch of a new Registry Compliance Audit** (August 2023) involving 19 Registry Operators, not previously audited, with a [DAAR](#) abuse score greater than 0%.

²⁴ See ICANN blog [Contractual Compliance: Addressing Domain Name System \(DNS\) Infrastructure Abuse](#) (8 November 2018) and [Contractual Compliance Report on Registry Operator Audit for Addressing DNS Security Threats](#) (17 September 2019)

²⁵ .africa .app .art .bar .best .blog .buzz .cat .cloud .club .com .coop .gift .icu .ink .istanbul .moe .one .ooo .org .ren .ryukyu .tel .tirol .xin 我爱你 (Xn--6qq986b3xl) .닷컴 (Xn--mk1bu44c) .Pyc (Xn--p1acf)

²⁶ See [ICANN78 Compliance Update Slides](#) pp. 9-10 and <https://features.icann.org/compliance> for more detailed reporting

- **Survey of DNS Abuse Mitigation efforts in ccTLDs by the ccNSO DNS Abuse Standing Committee (DASC)**

- Work plans of the GAC Public Safety Working Group (PSWG) have included consideration of DNS Abuse mitigation practices by ccTLDs to inform elevated contractual standards in the gTLD space. In particular, the most recent [2023-2024 PSWG Work Plan](#) includes Work Item 1.3 to “*Review and identify ccTLD Best Practices for adoption in the gTLD space*”:
 - *Review and assess ccTLD best practices in mitigating security threats such as abuse prediction and registrant validation and verification policies, with a view to identify possible practical and implementable approaches and consider how they may inform elevated contractual standards in the gTLD space.*
- Previously, operators of ccTLDs around the world briefed the GAC in a [Pre-ICANN69 webinar](#) (4 June 2020) on the lessons they learned from their operations during the COVID-19 crisis.
- In March 2022, the ccNSO established a [DNS Abuse Standing Committee \(DASC\)](#) to “*raise understanding and awareness of the issues pertaining to DNS Abuse, promote open and constructive dialogue, and ultimately to assist ccTLD Managers in their efforts to mitigate the impact of DNS Abuse*”, noting that “*In keeping with the nature of the ccNSO, the purpose of the Committee is not to formulate any policy or standards, recognising that policy development in this area is out of scope of the ccNSO policy remit.*”
- During the [ICANN76 GAC Capacity Development Workshop](#) (11 March 2023), the DASC presented to the GAC its initial findings following a survey it conducted between September and November 2022 covering about 100 ccTLDs, on their practices for mitigating DNS Abuse. The presentation discussed quantitative results regarding:
 - methods used to mitigate DNS Abuse (registration policies, complaint procedures, other tools) and actions taken when DNS Abuse is detected (notices to registrants, suspension, deletion);
 - collaboration with national CERTs, Law Enforcement and Trusted Notifiers;
 - public reporting of DNS Abuse.
- The results of this survey were further discussed in [ccNSO session during ICANN77](#) focussing on quantitative results related to verifications of registration data, their scope, timing, methods and consequences; as well as the connection between pricing policies and levels of DNS Abuse.
- During the final presentation of the survey’s results, in a [Pre-ICANN78 DASC webinar](#) on 28 September 2023 (see [recording](#) and [slides](#)), the DASC focussed on the quantitative distribution of DNS Abuse trends and mitigation practices based on features of ccTLDs (including region, governance model, size of domain portfolio, etc.).
- During ICANN78, the ccNSO DASC joined the [GAC plenary discussion on DNS Abuse Mitigation](#) and discussed next steps in studying measurements of DNS Abuse and mitigation tools in ccTLDs.

Key Reference Documents

- [ICANN Board Comments on Issues of Importance in the ICANN79 San Juan Communiqué](#) (9 May 2024)
- [Contracted Parties Summit](#) (6-9 May 2024) and [recordings of the open sessions](#).
- [Amendment of the Registry Agreement](#), [Amendment of the Registrar Accreditation Agreement](#) and related [Advisory: Compliance With DNS Abuse Obligations in the Registrar Accreditation Agreement and the Registry Agreement](#) (published on 5 February 2024 and to become effective on 5 April 2024).
- [ICANN Board resolution](#) (21 January 2024) approving the Amendments of the Registry and Registrar Agreements regarding DNS Abuse
- [ICANN Board Resolution](#) (10 September 2023) based on [ICANN org assessment](#) of pending CCT and SSR2 Review pertaining to DNS Abuse Mitigation
- ICANN org [Public Comment Summary Report](#) (1 August 2023) on Public Comment proceeding related to the proposed Amendments of the Registry and Registrar Agreements regarding DNS Abuse
- [GAC Comments](#) (17 July 2023) on the proposed Amendments of the Registry and Registrar Agreements regarding DNS Abuse
- [Contractual Compliance November 2022 Round Registrar Audit Report](#) (22 June 2023)
- [Amendments to the Base gTLD RA and RAA to Modify DNS Abuse Contract Obligations](#) (29 May 2023)
- [Inferential Analysis of Maliciously Registered Domains \(INFERMAL\)](#) announcement (25 April 2023)
- [GNSO Small Team on DNS Abuse Report to the GNSO Council](#) (7 October 2022)
- [The Last Four years in Retrospect: A Brief Review of DNS Abuse](#) by ICANN org (22 March 2022)
- European Commission [Study on DNS Abuse](#) and its [Technical Appendix](#) (31 January 2022)
- SSR2 Review [Final Report](#) (25 January 2021) and related [GAC Comments](#) (8 April 2021)
- SSAC [SAC115 Report](#) (19 March 2021), a proposal for an Interoperable Approach to Addressing Abuse Handling in the DNS

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RDS/WHOIS and Data Protection Policy (incl. Accuracy)

Session 6

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Session Objective

This session aims to discuss status and consider possible next steps for the GAC in relation to deliberations and implementation efforts seeking to establish a new WHOIS/Registration Data policy framework taking into account relevant Data Protection law.

The GAC will be briefed on latest developments and related policy concerns, in connection with:

- The new Registration Data Consensus Policy (EPDP Phase 1) and ongoing discussion of revised policy provisions pertaining to the handling of Urgent Request for disclosure of registration data;
- The ongoing operation of a Registration Data Request Service (RDRS), as a proof of concept of a permanent System for Standardized Access/Disclosure (SSAD) per EPDP Phase 2 Policy Recommendations;
- Ongoing challenges and recent activities related to privacy/proxy services; and
- Dependencies on the scoping of possible future policy work regarding accuracy of registration data

Leadership Proposal for GAC Action

1. Follow-up on the ICANN79 San Juan GAC Advice¹ and **continue engaging with the ICANN Board and the GNSO to rapidly identify a path for the development of policy provisions pertaining to the appropriate handling of Urgent Requests for disclosure of registration data** in “*circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure, or child exploitation*”. In its response to the GAC Advice the ICANN Board [determined](#) (5 May 2024) to “*defer[s] action on this advice, noting that it plans to discuss the way forward on this issue with the GNSO Council.*”. It is recalled that in the [GAC Washington D.C. Communiqué](#) (20 June 2023) the GAC expressed the view to bring the timeline down to 24 hours.
2. Continue **considering feedback and metrics reporting² on the Registration Data Request Service (RDRS)** and support ICANN org’s efforts to swiftly implement improvements prioritized by the GNSO RDRS Standing Committee and encourage continued testing and improvement of the system.
3. **Seek ways to significantly expand awareness of the RDRS by its potential users**, in particular public safety stakeholders, **including by referencing RDRS in the RDS/WHOIS output of Registries and Registrars** (with which many Internet stakeholders are familiar), consistent with previous GAC suggestions, including most recently as part of Issues of Importance to the GAC in the [ICANN79 San Juan Communiqué](#)³. In response, the ICANN Board [commented](#) (9 May 2024) that “*Information and links to the RDRS can be added in the RDAP output of registries and registrars via the GNSO policy development process*” and encouraged the GAC “*to discuss this option with the GNSO Council.*”
4. **Continue assessing the public interest impacts, including on responses to disclosure requests provided via the RDRS, of delayed implementation of the privacy/proxy services accreditation policy (PSSAI) recommendations**, and potential challenges in assessing which of the original policy recommendations, if any, are still fit for purpose as part of the expected resumption of the PSSAI Implementation Review Team (IRT) during ICANN80⁴. In the Cancún and Washington D.C. Communiqués, the GAC advised, and recalled its advice, for the ICANN Board to provide regular updates on this matter⁵. The ICANN Board responded it “*will*

¹ The GAC advises the ICANN Board: *i. To act expeditiously to establish a clear process and a timeline for the delivery of a policy on Urgent Requests for domain name registration data, to respond to the vital public safety interests related to such requests. Such a process must ensure appropriate participation of the community, including the GAC.*

² See monthly Registration Data Request Service Usage Metrics since the launch of the service, available at <https://www.icann.org/rdrs-en>. This briefing includes an overall graphical representation of the key metrics.

³ The GAC invited ICANN to consider including a link to the RDRS in WHOIS output, in its [Comments on the RDAP Contractual Amendments](#) (16 Nov. 2022) given that it is a channel “*certain to reach 100% of the potential [RDRS] use-base*”, and more recently in Issues of Importance in the [ICANN79 San Juan Communiqué](#) (11 March 2024) where the GAC strongly encouraged “*to include information about the RDRS and a link to it within the WHOIS lookup/Registration Data Access Protocol (RDAP) with a view to increase its visibility*”.

⁴ As part of informal discussion preceding the resuming of the PSSAI IRT, ICANN org shared its [assessment of the level of difficulty associated with implementing each aspect of the original policy recommendations](#) (2 March 2024) given the new legal and policy regime applicable to registration data.

⁵ See section V.3 p.11 of the [GAC Cancún Communiqué](#) (20 March 2023) and section VI.1 of the [Washington D.C. Communiqué](#) (20 June 2023)

*continue to provide updates on the ongoing work in this area”.*⁶ As recalled in the GAC Hamburg Communiqué⁷, ICANN org’s [Operational Design Assessment](#) of the EPDP Phase 2 Recommendations (25 January 2022) noted that *“Requestors may feel confused or frustrated with the system if they don’t receive the registrant data they seek due to proxy or privacy service use” and that this risks “significant user confusion and/or dissatisfaction.”*

5. Following publication of the [Registration Data Policy](#) (EPDP Phase 1 Implementation), **examine avenues for further discussion of the public policy concerns** outlined in the [GAC Public Comments](#) (21 Nov. 2022) and highlighted as an Issue of Importance in the [GAC Washington D.C. Communiqué](#) (20 June 2023), including:
 - a. **Measures to make data of legal persons publicly available, where applicable** (the ICANN Board [responded](#) that EPDP Phase 2A recommendations on this matter, subject of a [GAC Minority Statement](#) (10 Sep. 2021), are in the queue for implementation⁸).
 - b. **Ensuring reseller information is included in responses to requests for Registration Data**, given the nature of resellers as *“corporate entities inherent to the registrar’s distribution channel”*, the relevance of their roles and responsibilities to domain name registrations, and the *“benefit in highlighting the best point of contact to deal with notifications of abuse or compromise to the party with the ability to act the quickest or most appropriately”*.⁹
6. **Examine opportunities for advancing accuracy of registration data** in gTLDs, in light of [ICANN org’s analysis](#) (13 October 2023) of the various scenarios initially envisaged for assessing accuracy in registration data, proposed alternative scenarios, and the continuing pause of the Registration Data Accuracy (RDA) scoping team by the GNSO Council¹⁰. During a recent discussion with the GAC¹¹, the ICANN Board recognized that the Data Processing Specification¹² *“will not grant ICANN access to nonpublic registration data outside of that permitted under the governing contracts and applicable law, such that it will enable wide-scale accuracy studies previously proposed”*. Given this development, consider alternative approaches to shed light on the role of registration data accuracy at ICANN and examine potential practices stemming from pending regulation (e.g. NIS2 Directive), while continuing engagement with the GNSO Council to re-start the work of the Accuracy Scoping Team.

⁶ See p.6 in the [Scorecard of Board Action on GAC Advice](#) (10 September 2023)

⁷ See section IV.3 p.8 of the [GAC Hamburg Communiqué](#) (30 October 2023)

⁸ See section 7 in the [ICANN Board Comments on Issues of Importance](#) (18 September 2023)

⁹ See further discussion of developments and GAC input related to reseller information in this briefing on p.16

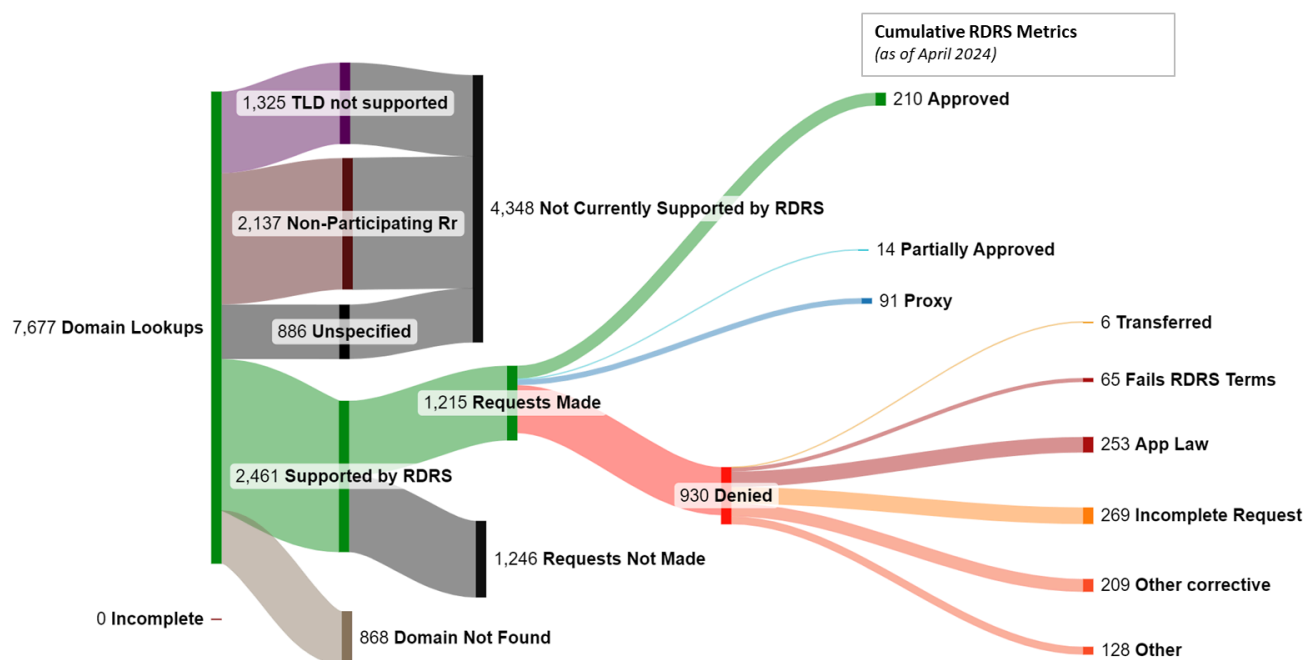
¹⁰ See GNSO Council [Resolution 20221117-4](#) (17 November 2022), [Resolution 20230720-1](#) (20 July 2023) and [Resolution 202402150-3](#) (15 February 2024)

¹¹ See [Board Comments on the Issues of Importance in the ICANN79 GAC San Juan Communiqué](#) (9 May 2024)

¹² The Data Processing Specification is the expected output of negotiations which started in 2019 consistent with EPDP Phase 1 Recommendation 26 for ICANN org to enter into *“required data protection agreements such as a Data Processing Agreement (GDPR Art. 28) or Joint Controller Agreement (Art. 26), as appropriate”*

Current Status and Recent Developments

- The Registration Data Request Service (RDRS)**, which launched on 28 November 2023 as a proof of concept or pilot program aimed to “*simplify the process for submitting and receiving requests for nonpublic gTLD registration data for both the requestors and contracted parties*” and to inform further consultations on the feasibility of a permanent System for Standardized Access/Disclosure of Registration Data (SSAD), **has enabled the collection and reporting on 5 months of usage data**¹³, which is summarized below:



- 88 registrars are participating in RDRS, representing 57% of total gTLD domains, up from 72 registrars and 53% market share at launch on 28 November 2023.
- There are now 4,018 requestors registered in RDRS (steadily growing since launch)
- There is strong user demand for domains in TLDs not included in RDRS such as ccTLDs, as well as for gTLD domains associated with non-participating registrars¹⁴ (respectively 17% and 28% of domain lookups in RDRS)
- Following their domain lookups (the required first step in RDRS), requestors were allowed to proceed to submit a disclosure request in 32% of cases (2461 domains supported by the RDRS out of a total of 7677 domain lookups)

¹³ See monthly Registration Data Request Service Usage Metrics since the launch of the service, available at <https://www.icann.org/rdrs-en> and consider further material expected from ICANN org, including a [six-month update on RDRS during ICANN80 Prep Week](#) (29 May at 16:30 UTC) and a Quarterly Requestor and Registrar Report to be published prior to ICANN80.

¹⁴ In the [GAC Hamburg Communiqué](#) (30 October 2023), the GAC recalled that the ICANN Board “*urged the GNSO Council to consider a Policy Development Process or other means to require registrars to use the RDRS*”

- When RDRS is able to handle a disclosure request (domain in a supported gTLD and managed by a participating registrar), no disclosure request is made in 50% of cases.
- Of the domains belonging to a supported gTLD, managed by a registrar participating in RDRS, and for which the requestor did submit a disclosure request, 17% led to disclosure of registration data (210 of 1215 requests approved), representing 3% of all initial domain lookups.
- Average response time has increased since the month of April to 14 days for approvals or disclosure of data (from 4 to 7 days previously), and to 11 days for denials (from 2-6 days previously)
- Law enforcement and IP Rights holders are responsible for more than 48% of disclosure requests.

The table below displays the monthly counts of disclosure requests by request type.

Request Type	Nov	Dec	Jan	Feb	Mar	Apr	Total
Computer Security Incident Response Team (CSIRT)	0	8	6	3	2	1	20
Consumer Protection	4	13	51	6	19	10	103
Cybersecurity Incident Response Team (non-CSIRT)	0	3	2	1	3	4	13
Dispute Resolution Service Provider	0	2	3	5	1	6	16
Domain Investor	1	9	8	3	5	4	30
IP Holder	20	49	112	117	71	43	410
Law Enforcement	1	17	38	30	25	46	157
Litigation/Dispute Resolution (non-IP)	1	5	26	3	1	1	37
Research (non-security)	8	14	16	5	8	8	42
Security Researcher	2	31	15	15	8	3	58
Other	8	23	14	58	112	83	298

- **Feasibility of a permanent System for Standardized Access/Disclosure of Registration Data (SSAD) is currently focusing on assessing the operations of the Registration Data Request Service (RDRS),** following the [GNSO's request for an SSAD proof of concept](#) (27 April 2022) on the basis of an ICANN org [Design Paper](#) (13 Sep. 2022) and consistent with [updates](#) (7 Nov. 2022) [suggested](#) by the GNSO Council to the ICANN Board (17 Nov. 2022).
 - The GNSO [resolution](#) on the EPDP Phase 2 Final Report (24 September 2020) **adopted the 18 recommendations that seek to establish an SSAD, requesting a consultation with the ICANN Board** prior to its consideration of the policy recommendations **to discuss “questions surrounding the financial sustainability of SSAD and some of the concerns expressed within the different minority statements”** including in the [GAC Minority Statement](#) (24 August 2020).
 - Prior to considering the GNSO's SSAD Policy Recommendations, **the ICANN Board launched** (25 March 2021) an **Operational Design Phase (ODP) to perform an assessment** of possible implementation parameters. A GNSO Small Team reviewed ICANN org's resulting [Operational Design Assessment](#) (25 Jan. 2022) in support of the GNSO Council's consultation with the ICANN Board and consideration of questions and concerns expressed in a [Board letter](#) (24 Jan. 2022).
 - In a [letter to the ICANN Board](#) (27 April 2022), **the GNSO shared concerns with ICANN's Operational Design Assessment** and called for a pause of the Board's consideration of the SSAD recommendations to allow for work to continue on a “proof of concept”, in collaboration with ICANN org, who suggested it could propose a simplified “SSAD Light Design” in a [Concept Paper](#) (6 April 2022)¹⁵. The **ICANN Board confirmed** (9 June 2022) its **agreement and decision to pause the consideration of the policy recommendations.**
 - In the [The Hague Communiqué](#) (20 June 2022), while looking forward to the “*timely completion of the ‘proof of concept’*”, the GAC emphasized “*the importance of providing specific timelines and goals*” for this work and clarifying “*what will happen after the ‘proof of concept’ phase concludes*”.
 - Shortly before ICANN75, ICANN org introduced a [WHOIS Disclosure System Design Paper](#) (13 Sep. 2022) the key features of which were considered in [GAC plenary](#) (20 Sep. 2022).
 - In the [Kuala Lumpur Communiqué](#) (26 September 2022), the GAC noted the proposed WHOIS Disclosure System is a **useful first step which would facilitate the collection of useful data**, to possibly shed light on usage rates, timelines for response, and percentages of requests granted or denied. The GAC also deemed **important to properly log Information about approvals or denials of requests**, timing of the response, and reasons for denial; **and to include a mechanism to allow for confidential law enforcement requests.**

¹⁵ The approach proposed by ICANN org in the SSAD Light Concept Paper was presented to the GAC during the [Pre-ICANN74 ICANN org's briefing to the GAC](#) on 31 May 2022 (GAC website login required)

- The **GNSO Council** adopted the [addendum](#) (7 Nov. 2022) to the SSAD ODA Small Team [Preliminary Report](#) (4 April 2022) and expressed being ***“supportive of the request that the ICANN Board proceeds with the implementation of the Whois Disclosure System”*** in the [GNSO Chair letter to ICANN Board Chair](#) (17 Nov. 2022) consistent with ICANN org’s [WHOIS Disclosure System Design Paper](#) (13 Sep. 2022)
- On 27 February 2023, the ICANN Board [resolved](#) to **launch the implementation of the WHOIS Disclosure System**, or “Registration Data Request Service” per the associated [announcement](#) (2 March 2023).
- In the [Cancún Communiqué](#) (20 March 2023) the **GAC** advised the **ICANN Board** to ***“direct ICANN org to promptly engage with the PSWG to identify and advance solutions for confidentiality of law enforcement requests so as not to preclude participation by law enforcement requesters when measuring usage of the WHOIS Disclosure System”***. This advice was eventually accepted by the ICANN Board per its [Scorecard of Board Action](#) (15 May 2023)
- Following discussion during the [Board/GAC Clarification call](#) (11 April 2023), the GNSO Small Team on EPDP Phase 2 hosted a [subteam meeting](#) (10 May 2023) dedicated to the **discussion of confidentiality of law enforcement requests between representatives of the GAC PSWG, ICANN org** and observers from the GNSO Small Team. A [follow-up discussion](#) (5 June 2023) followed shortly before ICANN77.
- In the [Washington D.C. Communiqué](#) (20 June 2023), the **GAC** noted ***“the importance of maximizing voluntary participation in the system, including through effective outreach and potential incentive structures”*** and stressed ***“the importance of providing users of the RDRS with easy to access step-by-step training, and guidance”***.
- In the [ICANN Board Comments on the Issues of Importance in the Washington D.C. Communiqué](#) (18 September 2023), the **ICANN Board** shared ***“the same sentiment as the GAC on the importance of maximizing the participation of the users, both from ICANN-accredited registrars and requestors”***. It noted ***“that ICANN org has been conducting its various engagement and outreach efforts and will continue to do so up until and beyond the launch of the service”***. It also indicated that ***“ICANN org has been, and will provide a number of webinars to walk through how to use the system”*** and that ***“ICANN org is preparing various informational materials, such as FAQs, user guides, and howto videos, to ensure participating users can utilize the service with ease.”*** This information available at: <https://www.icann.org/rdrs-en>
- In the [GAC Hamburg Communiqué](#) (30 October 2023), the **GAC** recalled that the **ICANN Board** ***“urged the GNSO Council to consider a Policy Development Process or other means to require registrars to use the RDRS”***¹⁶ and reaffirmed that the GAC ***“remains supportive of this idea”***. Observing that ***“the RDRS’s success depends in part on how satisfied users are with the system”***, the **GAC** stressed that a success factor will be ***“whether users submitting legitimate requests receive data relating to the underlying***

¹⁶ see [ICANN Board Resolution on WHOIS Disclosure System Implementation](#) (27 February 2023)

registrant as opposed to information related to a privacy or proxy service", a risk noted by ICANN in its Operational Design Assessment of the SSAD¹⁷.

- In the [GAC San Juan Communiqué](#) (11 March 2024), the GAC reiterated that **"widespread use of the pilot by both registrars and requesters will help the RDRS meet its intended purpose"** and stated **"[t]he GAC believes all contracted registrars should participate."**, encouraging **"ICANN org to conduct a survey of registrars who are not currently participating in the RDRS to gain insights into the concerns of these parties and potential challenges that could be addressed"**. Stressing **"the importance of continued outreach efforts throughout the lifespan of the RDRS to ensure both requesters and registrars are aware of the uses and limits of this pilot program as well as its intended purpose"**, the GAC highlighted **"potential improvements that could help the pilot meet its intended purpose and create an improved user experience"** such as **"unnecessary and confusing elements of the current requester interface, particularly with respect to requests from law enforcement and the applicability of various data protection frameworks"**.
- In its [ICANN Board comments on Issues of Importance in the GAC San Juan Communiqué](#) (9 May 2024), the Board noted that **"ICANN's engagement and communications teams are both conducting outreach to various communities to increase usage of the system"**, and encouraged **"the community to engage with potential requestor communities to present materials ICANN org has available on RDRS or to participate in discussions where the benefits and importance of utilizing the system can be shared with broader audiences."** It also recalled that **"ICANN org has downloadable user guides, flyers and FAQs (available in the 6 UN languages and Portuguese) published on the RDRS website."**, that **"RDRS content is also regularly promoted via ICANN's social media channels"** and that **"ICANN org also provides a generic information presentation deck to share with constituencies."**

¹⁷ SSAD Operational Design Assessment (25 January 2022) at pp.19-20

- **The policy foundation of a new Registration Data Policy regime**, the [Registration Data Policy](#) (21 February 2024) is now published and will become effective on 20 August 2025, **with the exception of provisions related to the timeline for response to Urgent Requests.**
 - This Consensus Policy **will become part of ICANN’s contractual requirements for Registries and Registrars within 18 months of its adoption** and replace the current [Interim Registration Data Policy for gTLD](#) (20 May 2019) which currently requires Contracted Parties to continue to implement measures that are consistent with the [Temporary Specification](#) (20 May 2018). **It introduces changes to existing ICANN Policies** which rely on, or relate to Registration Data, including the superseding of the Thick WHOIS transition Policy and revisions of the implementation of the Registration Data Access Protocol (RDAP).
 - **The GAC provided input** at several stages of the developments leading to the adoption of this policy:
 - [Input to the ICANN Board](#) (24 April 2019) before its consideration of the GNSO Policy Recommendations from EPDP Phase 1, in which the GAC deemed the *“recommendations to be a sufficient basis for the ICANN Community and organization to proceed - with all due urgency - to the completion of a comprehensive WHOIS model covering the entirety of the data processing cycle, from collection to disclosure, including accreditation and authentication, which would restore consistent and timely access to non-public registration data for legitimate third party interests, in compliance with the GDPR and other data protection and privacy laws”*. The GAC also highlighted and referenced in this correspondence prior policy concerns it has expressed.
 - Advice to the ICANN Board in the [Montréal Communiqué](#) (6 November 2019), to *“ensure that the current system that requires ‘reasonable access’ to non-public domain name registration is operating effectively”* ([accepted](#) by the ICANN Board on 26 January 2020) and *“to ensure that the ICANN org and the EPDP Phase 1 Implementation Review team generate a detailed work plan identifying an updated realistic schedule to complete its work”*, which were the subject of follow up in the GAC Communiqués of [ICANN70](#) , [ICANN71](#), [ICANN72](#) , and [ICANN73](#) and related interactions with the ICANN Board¹⁸.
 - In the latest [GAC Comments](#) (21 November 2022), **the GAC expressed public policy concerns with the proposed Draft Registration Data Consensus Policy for gTLD** including: definition and proposed timelines to respond to urgent requests; collection and publication of reseller data; collection/publication of registration information related to legal entities; need for clear standards around implementation and enforcement; and implementation of a partial system resulting

¹⁸ See Board GAC Advice Scorecards related to each Communiqué at:
<https://gac.icann.org/activity/icann-action-request-registry-of-gac-advice>

in a policy gap. **The GAC recalled these concerns** in the [Cancún Communiqué](#) (20 March 2023)¹⁹

- Based on consideration of input received from 14 community groups, **ICANN org updated the Draft Consensus Policy Language to reflect its analysis of Public Comments** (see [redline version](#) circulated to the IRT on 4 May 2023). ICANN org also provided [responses to public comments](#) (28 April 2023), which discussed some of the GAC input:
 - Regarding the timeline for response to Urgent Requests ICANN’s Implementation Project Team (IPT) *“believes that the 24-hour response time accurately reflects the intent of the EPDP policy recommendations”* (see p.44 of Addendum and section 10.6 of updated consensus policy), but did not extend the definition of urgent requests to include “imminent or ongoing cybersecurity incidents”
 - Regarding the collection and publication of reseller data, *“the IPT believes that making any recommended changes is beyond the scope of the policy as it would create additional changes that are not required by the EPDP Phase 1 recommendations.”*
 - Regarding the policy’s impact on Thick WHOIS,: *“The IPT, in consultation with the Implementation Review Team, concluded that ICANN org could enforce a transfer requirement only if the relevant contracted parties agree that a legal basis exists for the transfer and a data protection agreement is in place”*
 - Regarding the Phase 1/Phase 2A policy gap, ICANN org reached out to the GAC Small Group on WHOIS/EPDP with a [memo](#) (5 May 2023) which clarified that:
 - *The functionality of distinguishing between legal and natural persons is beyond the scope of the EPDP Phase 1 IRT*
 - *During the EPDP Phase 2A deliberations, the EPDP Phase 2A Working Group made a policy decision not to mandate the contracted parties to change their practices with regard to data of legal and natural persons*
- In the [GAC Hamburg Communiqué](#) (30 October 2023), the GAC expressed support for the *“Board to separate the topic of Urgent Requests from the publication of the overarching Registration Data Consensus Policy for gTLDs”*
- On 21 February 2024, ICANN published the [Registration Data Policy](#), an ICANN Consensus Policy that describes requirements for Processing Registration Data for each ICANN-accredited Registrar and gTLD Registry Operator. Its effective date is 21 August 2025. In the meantime, the [Interim Registration Data Policy for gTLD](#) (20 May 2019) will remain in effect until 20 August 2025. During the period of 21 August 2024 through 20 August 2025, Registries and Registrars may continue to implement measures consistent with the [Temporary Specification for gTLD Registration Data](#) (20 May 2018) or the new Registration Data Policy in its entirety, or elements of both.

¹⁹ See Issues of Importance to the GAC, Section IV.3 pp.7-8 in the [Cancún Communiqué](#) (20 March 2023)

- **Agreeing on a timeline for response to Urgent Requests for disclosure of registration data** in “circumstances that pose an imminent threat to life, serious bodily injury, critical infrastructure, or child exploitation” **proved unattainable** in the policy implementation process. **This matter may now be subject to reconsideration of the original GNSO policy recommendation**, in an expected dialogue to take place between the ICANN Board and the GNSO Council.
 - At the conclusion of the policy implementation process (August 2023), **ICANN org was planning to publish the proposed [Final Registration Data Consensus Policy](#)** with a time frame for response to Urgent request “*without undue delay, generally within 24 hours*” allowing 2 extensions for a total response time of up to 3 business days.
 - In the [GAC Washington D.C. Communiqué](#) (20 June 2023) the GAC took “*note of ICANN’s summary of public comments on Phase 1 implementation and supports the Implementation Project Team’s suggestion, in line with the GAC’s public comment, to reduce the timeline for urgent requests to twenty-four hours.*”
 - In a [GAC Chair letter to the ICANN Board](#) (23 August 2023), the **GAC expressed its public policy concern with the proposal, and requested the ICANN Board “carefully review the proposed implementation of this particular issue and consider next steps that would achieve an outcome that better meets the public safety considerations posed by urgent requests”**. The GAC also:
 - Observed “*the **tension between the proposed implementation and the concerns conveyed by the GAC during the public comment process.** In this regard, we note ICANN’s commitment to ‘seeking input from the public, for whose benefit ICANN in all events shall act’.*” ([ICANN Bylaws](#), Section 1.2(a)(iv) Commitments)
 - Stressed its belief that **the proposal “is not ready for publication and should be considered further”** while “*the balance of the implementation of the Consensus Policy should move forward*”
 - Highlighted its concerns that “*[t]his outcome calls the effectiveness of the public comment process into question and raises further questions about the interplay between the IRT and the IPT and whether all views, including those put forth by the GAC, have been adequately addressed*”
 - During the [GAC/Board BGIG call](#) (20 September 2023) [GAC website login required] the ICANN Board indicated that it questioned whether the proposal is fit for purpose and consistent with the [ICANN Board Comments on the Issues of Importance in the Washington D.C. Communiqué](#) (18 September):
 - [...] *The Board understands that for most cases of an urgent nature, law enforcement or other parties seeking registration data rely on existing channels including direct contacts with the relevant registry operator and/or registrar. The Board further understands that this may not be possible in all cases, and the policy requirement on responses to urgent requests is to provide a “ceiling” so that when this process is relied upon, these responses have maximum time constraints..*

- ***The Board would be interested in any data the GAC can provide as to experiences of its members in working with contracted parties on requests of an urgent nature, including the channels used and timing for responses provided. [...]***
- **The SSAC, also concerned by these developments, published SAC122, a [Report on Urgent Requests in the gTLD Registration Data Policy](#) (12 Dec. 2023) in which the Security and Stability Advisory Committee noted being “*struck by the incompatibility between the definition of Urgent Requests [imminent threat to life] and the required response times [without undue delay, generally within 24 hours of receipt]*” when “*the expected response time [in such situations] is measured in minutes*”. SSAC **recommends that the policy be substantially reconsidered to become fit for purpose and that, in the meantime, ICANN gathers and shares data about Urgent Requests**, including their frequency of Urgent Requests and registry/registrars practices in responding to them.**
- The [ICANN Board responded to the GAC Chair letter of 23 August 2023](#) (11 Feb. 2024), as well as [to the Registrar Stakeholder Group Chair](#) who [had commented on the GAC letter to the ICANN Board](#) (8 Sep. 2023) noting that “*the Board concluded that it is necessary to revisit Policy Recommendation 18 concerning urgent requests [...] and the manner in which such emergencies are currently handled*” and indicating that “*[f]or this, we believe that consultation with the GNSO Council is required*”.
- In the [GAC Hamburg Communiqué](#) (30 October 2023), “*[b]ecause of the vital public safety interest implicated by Urgent Requests*”, the GAC emphasized “*the need to commence and conclude this implementation work as soon as possible*”, noting further that “*this work should include accreditation issues, among others*”.
- In the [GAC ICANN79 San Juan Communiqué](#) (11 March 2024), **the GAC advised the ICANN Board “to act expeditiously to establish a clear process and a timeline for the delivery of a policy on Urgent Requests for domain name registration data, to respond to the vital public safety interests related to such requests. Such a process must ensure appropriate participation of the community, including the GAC.”** In its [response to the San Juan Communiqué](#) (5 May 2024) **the ICANN Board determined to “defer[s] action on this advice, noting that it plans to discuss the way forward on this issue with the GNSO Council.”**

- **Privacy/Proxy Services Accreditation (PPSAI) Policy Implementation** is returning to the fore in light of emerging challenges with these services, now being provided by default to registrants by many leading registrars²⁰
 - Since the entry into force of GDPR and ICANN's Temporary Specification in May 2018, the PPSAI Implementation remained on hold with ICANN org planning to *"allocate resources and finalize a timeline to continue the implementation of PPSAI once the implementation of EPDP Phase 1 is finalized and the design criteria of the EPDP Phase 2 SSAD and Whois Disclosure System are sufficiently stable so that org and the community can identify what synergies can be leveraged with these projects and the PPSAI implementation."*
 - As part of EPDP Phase 1 Implementation, in the so called [Recommendation 27 Registration Data Policy Impacts Wave 1.5 Report](#) (23 February 2021), ICANN org conducted **in-depth analysis of the substantial impact of the Registration Data Policy requirements on the PPSAI recommendations**, and invited the GNSO to consider whether updates of the latter are needed.
 - In the [GAC Comments](#) (16 November 2022) on the [proposed RDAP and Bulk Registration Data Access \(BRDA\) Contractual Amendments](#) the GAC argued that **"commercial proxy services" may need "their own data element or entity role" in RDAP responses**, *"in recognition of the purposes of the RDDS system and the evolving domain name industry"* and the need to include *"all entities inherent to the registrar's domain name registration data distribution channel"*, when they exist, in RDAP query responses.
 - In the [Report of Public Comments](#) (16 December 2022), ICANN org acknowledged the GAC's input, noting that:
 - *The proposed RDAP Profile enables the publication of data elements of which the reseller is included.*
 - *ICANN org will continue to work with the ICANN community to identify how roles and entities are represented in RDDS as part of the policy development process and will work with the contracted parties to update the respective agreements as policies require*
 - *Issues specific to privacy and proxy services will be managed via the implementation of privacy proxy policy recommendations*
 - In the [Cancún Communiqué](#) (20 March 2023) **the GAC advised the ICANN Board:**
 - i. *To prioritize the assessment related to the pending RDS-WHOIS2 Review Recommendation R10.1 which called for the Board to monitor the implementation of the PPSAI policy recommendations, and all necessary steps to resume this implementation, consistent with the intent of the GAC's previous advice.*
 - ii. *To regularly update the GAC on the status of activities related to privacy and proxy services.*

²⁰ As recognized by the GAC in the Hamburg Communiqué (30 October 2023)

- This advice was discussed during the [Board/GAC Clarification call](#) (11 April 2023) and eventually accepted by the ICANN Board as reported in the [Scorecard of Board Action](#) regarding the Cancún Communiqué (15 May 2023) which noted, at it relates to (i), that *“the assessment is in progress within the org”*.
- In the meantime, the [ICANN Specific Reviews Q1 2023 Quarterly Report](#) (31 March 2023) clarified that *“Recommendation 10.1 aims to provide better data quality and contactability of the underlying contact owner for registrations using affiliated Privacy or Proxy services by requiring registrars to verify and validate the underlying registration data of domain name registrations.”* and stated:
 - *Following further review, the 2013 Registrar Accreditation Agreement (RAA) already includes requirements for registrars to validate and verify registrant contact data of privacy services.*
 - ***ICANN org plans to resume the implementation of Privacy and Proxy Services Accreditation Implementation (PPSAI), which will provide additional explicit requirements to verify and validate registrant contact data of both Privacy and Proxy Services, once the EPDP Phase 1 implementation is completed.***
- In preparation for ICANN78, ICANN org [reported](#) (6 October 2023) considering when and how the implementation work could resume, and invited interested stakeholders for an informal conversation on open questions and options for proceeding. ICANN org further indicated planning to allocate resources to this project once the EPDP Phase 1 implementation is complete.²¹
- During the **informal meeting of interested stakeholders during ICANN78** (25 October 2023), which included several representatives of the GAC Public Safety Working Group (PSWG), stakeholders discussed the possible need to reconsider the [original GNSO Policy Recommendations](#) (7 December 2015) and the ensuring implementation approach (suspended in 2018) in light of the substantial evolution of data protection law, industry practices and tools. In particular, the RDRS was discussed as both a substantial development to be taken into account, as well as a potential opportunity as part of a renewed implementation.
- **Interested stakeholders met informally with ICANN org during ICANN79** who presented further analysis [assessing the PPSAI policy recommendations according to an estimated difficulty or level of effort](#) (2 March 2024).
- Now that the Registration Data Consensus Policy is published, thus completing the implementation process of EPDP Phase 1, and freeing resources ICANN org was planning to allocate to the Privacy/Proxy Implementation, a [call for volunteer](#) (20 May 2024) was issued to join a reconvened IRT, which will meet during ICANN80 on [Thursday 13 June 0700 UTC / 0900 local time](#).

²¹ See p.20 in slides of the GDS update to the GNSO Council (22 October 2023)

- **The work of the GNSO Scoping Team on Accuracy of Registration Data** remains paused, while ICANN org reports recent progress in its assessment of whether or not it has a legitimate purpose to request access to registration data records for purposes of accuracy verification, as well as consideration of a comprehensive assessment of activities it may undertake to study accuracy.
 - The GNSO Council adopted substantive and procedural [instructions](#) for the Scoping Team (22 July 2021). In the [ICANN72 GAC Communiqué](#) (1 Nov. 2021) the GAC welcomed “*the effective start of the accuracy scoping exercise launched by the GNSO*” and expressed support for “*all four assignments*” of the team. The GAC nominated representatives from the European Commission and United States to participate in these [weekly deliberations](#) which started on 5 October 2021.
 - The work of the scoping team was informed by an [ICANN org briefing](#) (26 February 2021), an [ICANN org Memo on the WHOIS Accuracy Reporting System](#) (January 2022) and [ICANN org responses](#) to questions by the Scoping Team.
 - In the [ICANN72 GAC Communiqué](#) (1 November 2021) the GAC reiterated “*that maintaining accurate domain name registration data is an important element in the prevention and mitigation of DNS abuse*”. The GAC also noted that it is “*looking forward to exchanging with other constituencies not only on the definition and measurement of accuracy but also on solutions on how to enhance accuracy. The GAC gives particular importance to the verification, validation and correction of all registration data by registrars, and certain registries, in line with their contractual obligations, and supports rigorous monitoring and enforcement of such contractual obligations by ICANN.*”
 - In the [ICANN73 Communiqué](#) (14 March 2022), the GAC highlighted that as part of the work of the scoping team to date, it “*has emphasized the importance of holding contracted parties accountable for their compliance with the existing accuracy requirements, as well as the importance of increasing transparency about compliance, in order to inform an evidence-based analysis of these issues*”
 - In May 2022, the ICANN org shared with the Scoping Team a [set of scenarios](#) for which it planned to consult the European Data Protection Board on whether or not ICANN org has a legitimate purpose that is proportionate (i.e. not outweighed by the privacy rights of the individual data subjects) to request that Contracted Parties provide access to registration data records for purposes of accuracy verification.
 - In its [preliminary recommendations](#) for the GNSO Council (2 September 2022) the scoping team recommended:
 - **A registrar Survey** be conducted on the status of accuracy of their domains under management (Recommendation 1). In the [ICANN74 Communiqué](#) (20 June 2022), the GAC noted that “*the voluntary nature of the survey [...] could limit the volume of feedback received*” and therefore encouraged “*the team to explore additional and complementary work items, such as testing accuracy controls in a manner that is not dependent upon access to personally identifiable data*”. However, the preliminary report notes that “[a]t this stage, the Scoping Team has not identified sufficient

benefits of moving forward with any of the other proposals that do not require access to registration data [...]”.

- **A Registrar Audit** be considered regarding Registrars procedures for determining the accuracy of registration data (Recommendation 2)
- **A pause of scoping team work in relation to proposals that require access to registration data** until feasibility is clearer (Recommendation 3) including through: ICANN org’s outreach to the European Data Protection Board (EDPB), a possible Data Protection Impact Assessment to be conducted by ICANN, and the finalization of Data Processing Agreements between ICANN and Contracted Parties.
- **GNSO Council adopted a [motion](#) (17 Nov. 2022) pausing the work of the scoping team and deferring consideration of the recommendations to conduct a survey and an audit “until such time the DPA negotiations between ICANN org and Contracted Parties have completed and there is feedback from ICANN org on if/how it anticipates the requesting and processing of registration data will be undertaken in the context of measuring accuracy, or for six months, whichever is the shorter”.**
- In a [GNSO Council letter to ICANN org](#) (1 December 2022), **ICANN org was requested to “Proceed with both (i) your outreach to the European Data Protection Board and (ii) your work on a Data Protection Impact Assessment in connection with the scenario(s) in which the request and processing of registration data takes place as a matter of urgency; Finalize negotiations on the Data Processing Agreement (DPA) as soon as practicable, as the absence of a completed DPA may act as a roadblock for the policy work before the GNSO Council.”**
- In a [correspondence to the GNSO Council](#) (14 March 2023) ICANN org reported it has determined that **“a sufficient legal basis exist to proceed” to conduct proactive contractual compliance audit(s) of registrar compliance with registration data validation and verification requirements** (Scenario 2), while further, more targeted outreach with European data protection authorities may be required²² regarding analysis by ICANN of a sample of full registration data for validation and verification of contact data (Scenario 3)
- In the [Washington D.C. Communiqué](#) (20 June 2023), the GAC welcomed “ICANN org’s completion of a Data Protection Impact Assessment (DPIA) on a contractual compliance audit that could shed light on the current state of accuracy” and sought “an update on plans to resume the Scoping Team’s work” given that “over six months have passed since the GNSO adopted a motion to pause the work of the Scoping Team”. It further proposed that “further consideration [be given] to activities that may be resumed by the Accuracy Scoping Team”.
- In a [GNSO Council letter](#) (3 August 2023) sent to ICANN org and Contracted Parties, the GNSO Council indicated it is “awaiting on the one hand the outcome of the work by ICANN

²² Consistent with ICANN’s previously stated intention to engage with the European Data Protection Board (see [ICANN letter](#) of 2 June 2022 to the European Commission).

org on the scenario(s) in which the request and processing of registration data takes place and on the other hand the finalization of the Data Processing Agreement (DPA) [...].”

- Regarding the completion of DPAs, in the [Washington D.C. Communiqué](#) (20 June 2023), the GAC flagged “it would be helpful to receive quarterly updates on the status of the DPAs”. The ICANN Board responded in its [Comments on the Issues of Importance in the D.C. Communiqué](#) (18 September): “**ICANN org and the Contracted Parties have just a few issues remaining to negotiate. ICANN org will conduct a public comment period on the DPS once negotiations are completed, so the community can review the terms. Both ICANN org and the Contracted Parties say they remain optimistic the DPS will be in place in time for the implementation of the Registration Data Policy.**”
- Before ICANN78, ICANN org shared with the GNSO Council its [analysis](#) (13 October 2023) of [4 scenarios that were previously identified](#) (9 May 2022) as it relates to ICANN’s possibilities for reviewing the accuracy of registration data²³. In its analysis, **ICANN org concludes that there are several deficiencies and challenges in pursuing the scenarios** and in particular that “*ICANN org does not have a legitimate purpose that is proportionate, i.e., not outweighed by the privacy rights of the individual data subject(s) to request Contracted Parties to provide access to individual records as well as bulk access to registration data in order to review the accuracy of registration data*”. **Alternatively, ICANN org suggests that the ICANN community considers leveraging historical data of ICANN’s compliance audit program** for assessing current validation and verification requirements under the RAA, **and for contracted parties to analyze existing accuracy and verification practices in Europe “as they weigh how to engage in accuracy policy-related discussions at ICANN”**. ICANN further indicates that “*it is compiling these practices and intends to share them with ICANN’s contracted parties to demonstrate the potential for more complex requirements that may come outside ICANN’s multistakeholder model, should the ICANN consensus policy making process be considered ineffective in addressing the issue.*”
- In the meantime, the **GNSO Council resolved** (15 February 2024) to **extend “the deferral of consideration of recommendations #1 and #2 of the Registration Data Accuracy Scoping Team [...] for an additional six months”** while committing to “*considering the Scoping Team recommendations at an earlier date if DPA negotiations have been completed before six months have passed or another significant event, such as the implementation of the NIS2 directive or the publication Inferential Analysis of Maliciously Registered Domains (INFERMAL) Study, occurs before six months have passed*”.

²³ The four scenarios are as follows: Scenario 1, Analyze publicly available registration data for syntactical and operational accuracy (as was done previously in the WHOIS ARS program); Scenario 2, Proactive Contractual Compliance audit of registrar compliance with registration data validation and verification requirements; Scenario 3, Analyze a (representative) sample of full registration data provided by registrars to ICANN; and Scenario 4, Registrar registration data accuracy survey (voluntary)

- For reference, status of the **Review Team recommendations regarding Registration Data Accuracy**, as reported in the ICANN Specific Reviews Q2 2023 Quarterly Report (31 March 2024) and per ICANN Board resolutions on [10 September 2023](#) and [21 December 2023](#) on certain RDS-WHOIS2 Review and SSR2 Review Recommendations, is as follows:
 - **Recommendations 4.1, 4.2 and 5.1 of the RDS-WHOIS2 Review Team [Final Report](#) (3 September 2019) relating to data accuracy monitoring and enforcement** (all identified as “High” priority) **were rejected** in light of:
 - ICANN Compliance already enforcing existing requirements within the Registry Agreement and RAA provisions,
 - Further community discussions are required to define accuracy and what constitutes a “systemic issue” in registration data accuracy
 - ICANN’s assessment of legalities of the associated data processing in its [Assessment of Registration Data Accuracy Scenarios](#) (13 October 2023)
 - **Recommendation 9.2 of the SSR2 Review Team [Final Report](#) (25 January 2021), for ICANN org to proactively monitor and enforce contractual obligation to improve accuracy of registration data was rejected** (10 September 2023) in light of:
 - ICANN org’s ability to pursue *“accuracy of registration data according to the provisions included in the RA and RAA, and that at present extensive checks are conducted to verify the accuracy of registration data.”*
 - The Recommendation seeking *“the enforcement of specific compliance requirements (i.e., address fields) regarding data accuracy that are not part of the current registry and registrar contractual framework.*
 - The Recommendation calling for *“work or outcomes that would require the Board to unilaterally modify ICANN’s agreements with registries and registrars, or that would be contingent on community work. Changes to contracted party agreements would be a matter of policy or a result of voluntary negotiations between ICANN org and contracted parties.*
 - *“ongoing community discussions on registration accuracy”.*

Reminder on the status of other policy issues, policy development and policy implementation processes pending further consideration

- **Policy Development in Phase 2 of the EPDP concluded** with the publication of a [Final Report](#) (31 July 2020), which recommended a System for Standardized Access/Disclosure (SSAD) to gTLD Registration Data with a significant level of divergence among stakeholders as documented in the Consensus Designations (Annex D) and Minority Statements (Annex E), including the [GAC Minority Statement](#) (24 August 2020).
 - **Consensus was achieved on** aspects of the SSAD relating to **accreditation of requestors and centralization of requests** (recommendations 1-4, 11, 13 and 15-17). Once implemented these recommendations should improve the current fragmented systems by providing a central entry point to request access to registration data, according to clearly defined standards, and providing guarantees of appropriate processing.
 - **Stakeholders could not agree on** the policy recommendations necessary to provide for a **System for Standardized disclosure** that meets the needs of all stakeholders involved, including public authorities (recommendations 5-10 and 12). Neither could stakeholders agree on the possibility to evolve the SSAD towards more centralization and more automation of disclosure decisions in the future. (recommendation 18)
 - In the [ICANN70 GAC Communiqué](#) (25 March 2021), the GAC Advised the ICANN Board *“to consider the [GAC Minority Statement](#) and available options to address the public policy concerns expressed therein, and take necessary action, as appropriate.”* The Board [accepted](#) the advice (12 May 2021) noting that *“standing on its own, the GAC’s Minority Statement does not constitute consensus advice”*, and included a detailed discussion of issues raised in the GAC Minority Statement on EPDP Phase 2.
 - The GAC issued a [response](#) (6 October 2021) to the Board’s [clarifying questions](#) on the ICANN70 advice that were reiterated before and discussed during the [GAC/Board ICANN71 Communiqué clarification call](#) (29 July 2021)
 - In light of the expected roll out of a pilot Registration Data Request Service (RDRS), the **ICANN Board** [confirmed](#) (9 June 2022) its agreement with the GNSO and **decision to pause the consideration of the EPDP Phase 2 policy recommendations.**

- **Policy Development in Phase 2A of the EPDP** to address the issues of **legal vs. natural persons** and the **feasibility of unique contacts** to have a uniform anonymized email address, **concluded** with the publication of a [Final Report](#) (3 September 2021), a subsequent ICANN [Board resolution](#) (10 March 2023) directing their implementation and recent clarification by ICANN org that *“it will ultimately be up to the technical community to determine [whether] a field will be created to distinguish between legal and natural persons.”*
 - The EPDP Team Chair presented the report as *“a **compromise that is the maximum that could be achieved** by the group at this time under our currently allocated time and scope, and it **should not be read as delivering results that were fully satisfactory to everyone**”* underscoring *“the importance of the minority statements in understanding the full context of the Final Report recommendations”*
 - In its [Minority Statement](#) (10 September 2021), the GAC acknowledged *“the usefulness of many components of the Final Recommendations”* including:
 - *the creation of data fields to flag/identify legal registrants and personal data;*
 - *specific guidance on what safeguards should be applied to protect personal information when differentiating between the domain name registrations of legal and natural persons;*
 - *encouragement for the creation of a Code of Conduct that would include the treatment of domain name registration data from legal entities;*
 - *encouragement for the GNSO to follow legislative developments that may require revisions to the current policy recommendations, and*
 - *useful context and guidance for those who wish to publish pseudonymized emails.*
 - **The GAC** noted however that it *“remains concerned that almost none of the Final Recommendations create enforceable obligations”* which *“fall short of the GAC’s expectations for policies that would require the publication of domain name registration data that is not protected [...] and create an appropriate framework to encourage the publication of pseudonymized email contacts with appropriate safeguards.”*
 - After adoption of these policy recommendations by the GNSO Council, the ICANN Board provided the [bylaw-mandated notification to the GAC](#) (9 Dec. 2021), in [response](#) to which **the GAC requested that the ICANN Board** *“considers [...] the GAC Minority Statement in its entirety, as well as available options to address the outstanding public policy concerns expressed therein.”* (9 Feb. 2022).
 - On 10 March 2022, the ICANN Board [adopted](#) the Phase 2A policy recommendations and directed ICANN org to develop and execute an implementation plan for these resolutions.
 - In the [GAC Comments](#) on the proposed Draft Registration Data Consensus Policy for gTLD (21 November 2022), **the GAC expressed public policy concerns in connection with the implementation of EPDP Phase 1 recommendations without those of Phase 2A**, resulting in a partial system and a policy gap. In response, ICANN org reached out to the GAC Small Group on WHOIS/EPDP with a [memo](#) (5 May 2023) which clarified, inter alia, that *“it will ultimately be up to the technical community to determine [whether] a field will be created to distinguish between legal and natural persons”*

- **Publication of Reseller information in domain registration data**

- The CCT Review [Final Report](#) (8 September 2018) recommended per **Recommendation 17** that ***“ICANN should collect data about and publicize the chain of parties responsible for gTLD domain name registrations”*** which the ICANN Board [accepted](#) (1 March 2019) since *“reseller information is already displayed within the publicly available WHOIS, reliant upon all contracted parties complying with ICANN Consensus Policies and contractual obligations to provide such data”*
- In [GAC Comments on the Final Report and Recommendations of the CCT Review Team](#) (11 December 2018) the GAC endorsed this recommendation, as part of a set of recommendations encouraging the collection of data to ***“allow for more informed decision and policy making, particularly with regard to future standard registry and registrar contract provisions and any subsequent rounds of gTLDs.”***
- In [GAC Comments](#) (21 October 2019) on the [CCT Review Team Accepted Recommendations - Plan for Implementation and Next Steps](#) (11 Sep. 2019), the GAC noted that *“[a]lthough the ICANN Board accepted this recommendation, the proposed implementation plan is not robust. [...] ICANN should take a more active role in educating the community about why this information is necessary in order to track and publish information about DNS Abuse, and spearhead community discussions directed to requiring contracted parties to collect and publish this information in order to promote increased transparency and accountability.”*
- In its [Final Implementation Report](#) (14 September 2022), ICANN org noted that CCT Review **Recommendation 17** ***“has been implemented to the extent possible consistent with current policy requirements”*** and that ***“no further action is required”***. In particular, it referred to the [Advisory: Clarifications to the Registry Agreement, and the 2013 Registrar Accreditation Agreement \(RAA\) regarding applicable Registration Data Directory Service \(Whois\) Specifications](#), published on 12 September 2014 and noted that the Reseller field is *“optional and should be treated as described in the Advisory”*. It in fact a subsequent Advisory, which superseded the previous version, the [Advisory: Clarifications to the Registry and Registrar Requirements for WHOIS \(port 43\) and Web-Based Directory Services](#) published on 27 April 2015 and last updated on 25 May 2018, which states:

50. The value section of the "Reseller" field SHOULD be shown, but MAY be left blank or the whole field MAY not be shown at all. If shown, the value of the field MUST be the name of organization, in case the Reseller for the name is a legal entity, or a natural person name otherwise.
- In the context of the phasing out of the WHOIS protocol and its replacement by the Registration Data Access Protocol, in [GAC Comments on the proposed Registration Data Access Protocol \(RDAP\) and Bulk Registration Data Access \(BRDA\) Contractual Amendments](#) (16 November 2022), the GAC noted that the [RDAP Response Profile](#) provides that *“the returned domain object in the RDAP response MAY contain an entity with the reseller role, if the domain name was registered through a reseller.”* It further stressed that *“In recognition of the purposes of the RDDS system and the evolving domain*

name industry, the GAC supports the inclusion of all entities inherent to the registrar's domain name registration data distribution channel. Such entities should be included in an RDAP query response, when they exist."

- In response, in its [Public Comment Summary Report](#) (16 December 2022), ICANN org acknowledged the GAC's comment and noted *"that ICANN org will continue to work with the ICANN community to identify how roles and entities are represented in RDDS as part of the policy development process and will work with the contracted parties to update the respective agreements as policies require."*
- As part of a [Public Comment proceeding on the proposed draft Registration Data Consensus Policy](#), in a [GAC Comment on the Draft Registration Data Consensus Policy for gTLDs](#) (21 November 2022), the GAC suggested that instead of "6.4 Registrar MAY generate the Reseller data element value." the policy should read "6.4 Registrar SHOULD generate the Reseller data element value, for the Reseller with a direct relationship with the Registrant." The GAC observed that "the domain name industry has evolved considerably since ICANN's inception, and today includes roles and entities which may not have existed in previous RDDS systems; similarly, new entities may be created tomorrow which have yet to be conceived of today. In recognition of this, **the GAC supports the inclusion of corporate entities inherent to the registrar's distribution channel** (such as the RDAP Response Profile entity 2.5 enumerating the "reseller" role) **as it is the purpose of the RDDS system to enumerate roles and responsibilities relevant to domain name registrations**; such entities should be included in an RDAP response, when they exist. This would also prove as a benefit in highlighting the **best point of contact to deal with notifications of abuse or compromise to the party with the ability to act the quickest or most appropriately**".
- In its Review of Public Comments (28 April 2023) as appended to the original [Public Comment Summary Report](#) (20 January 2023) [see after p.39], ICANN org stated:

"After careful consideration of the public comments received, the IPT determined that additional changes should not be made to the policy language pertaining to the requirements related to the reseller field. There is no indication that the draft policy was drafted incorrectly, and the EPDP Phase 1 team determined that the collection, transfer, and publication of the reseller field remain optional. The draft policy language maintains the status quo as org recognizes that current business practices allow for the optional collection, transfer, and publication of the reseller field. Thus, the IPT believes that making any recommended changes is beyond the scope of the policy as it would create additional changes that are not required by the EPDP Phase 1 recommendations.

Key Reference Documents

- RDRS Usage Metrics Report since December 2023 at <https://www.icann.org/rdrs-en>
- [ICANN79 San Juan Communiqué](#) (11 March 2024) GAC Advice on Urgent Requests, and Issues of Importance related to the RDRS, Privacy/Proxy Accreditation Policy Implementation, and Registration Data Accuracy; as well as:
 - [Scorecard of Board Action](#) regarding Advice the San Juan Communiqué (5 May 2024)
 - [ICANN Board Comments on the Issues of Importance](#) (9 May 2024)
- ICANN org [Assessment of Registration Data Accuracy Scenarios](#) (13 October 2023)
- [GAC Chair letter to the ICANN Board Chair](#) (23 August 2023) on the timeline for response to Urgent Request in the proposed Final Registration Data Consensus Policy, and [ICANN Board response](#) to the GAC Chair (11 February 2024).
- [GAC Washington D.C. Communiqué](#) (20 June 2023) Follow up on Previous GAC Advice on Privacy Proxy Services; and Issues of Importance in the on the Registration Data Consensus Accuracy, the RDDS and the Registration Data Consensus Policy, as well as:
 - [Scorecard of Board Action](#) regarding Advice the D.C. Communiqué (10 Sep. 2023)
 - [ICANN Board Comments on the Issues of Importance](#) (18 September 2023)
- [ICANN org Review of Public Comment](#) (28 April 2023) - starting p.40 - on the [Draft Registration Data Consensus Policy for gTLDs](#) (24 August 2022)
- GAC Advice in the ICANN76 [Cancún Communiqué](#) (20 March 2023) on Privacy/Proxy Services, and the related
 - [Summary Notes](#) of the Board/GAC Clarification Call (11 April 2023)
 - [Scorecard of Board Action](#) regarding Advice the GAC Cancún Communiqué
- [ICANN Org Correspondence to the GNSO Council](#) regarding the Registration Data Accuracy Scoping Team (14 March 2023)
- [GAC Comments](#) (21 November 2022) on the [Draft Registration Data Consensus Policy for gTLDs](#) (24 August 2022)
- [Addendum](#) (7 Nov. 2022) to the SSAD ODA Small Team [Preliminary Report](#) (4 April 2022) regarding requirements for an SSAD proof of concept.
- [WHOIS Disclosure System ICANN Design Paper](#) (13 Sep. 2022)
- Accuracy Scoping Team [preliminary recommendations](#) to the GNSO Council (2 Sep. 2022)
- [Draft Registration Data Consensus Policy for gTLDs](#) (24 August 2022)
- [ICANN org Update to the Accuracy Scoping Team](#) on scenarios for EDPB engagement (9 May 2022)
- ICANN org [Operational Design Assessment of the SSAD](#) (25 January 2022)

- GAC Advice in the [GAC ICANN72 Communiqué](#) (1 Nov. 2021) and related ICANN Board [Scorecard](#) (16 January 2022)
- GAC Advice in the [GAC ICANN71 Communiqué](#) (21 June 2021) and related ICANN Board [Scorecard](#) (12 September 2021)
- GAC Advice in the [GAC ICANN70 Communiqué](#) (25 March 2021), related ICANN Board [Scorecard](#) (12 May 2021) and [GAC Response to ICANN Board Clarifying Questions](#) (16 Nov. 2021)
- [GAC Minority Statement](#) (24 August 2020) on EPDP Phase 2 [Final Report](#) (31 July 2020)
- [GAC Minority Statement](#) (10 Sep. 2021) on EPDP Phase 2A [Final Report](#) (3 Sep. 2021)
- [GAC Response](#) (6 October 2021) to [ICANN Board Clarifying Questions](#) (21 April 2021) on the ICANN70 GAC Advice regarding the GAC Minority Statement on EPDP Phase 2, as reiterated during the ICANN71 Communiqué clarification discussions.

Document Administration

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GAC Meeting with the At-Large Advisory Committee (ALAC)

Session 9

Session Objective

The GAC and the At-Large Advisory Committee (ALAC) regularly meet during ICANN Public Meetings to discuss public policy matters of interest to both government stakeholders and Internet end-users.

At ICANN80, the groups will exchange views on a topic of similar interest by focusing on contention resolution.

Most recently, the GAC issued advice at ICANN77 on [Auctions: Mechanisms of Last Resort/Private Resolution of Contention Sets in New gTLDs](#), advising the ICANN Board (1) to take steps to avoid the use of auctions of last resort in contentions between commercial and non-commercial applications; alternative means for the resolution of such contention sets, such as drawing lots, may be explored. ii. (2) To ban or strongly disincentivize private monetary means of resolution of contention sets, including private auctions.

RATIONALE

While the GAC acknowledges that, in an attempt to reduce potential gaming, recommendation 35.3 of the SubPro PDP Working Group Final Report included the need for applications to be submitted with a “bona fide” intention to operate a TLD, the GAC reiterates concerns regarding the implementation of this condition, and notes that punitive measures for non compliance with the condition of submission of a “bona fide” intention are not sufficiently defined. Regarding Auctions of Last Resort, the GAC reaffirms its view that they should not be used in contentions between commercial and non-commercial applications. In addition the GAC reiterates that private monetary means of resolution of contention sets should be banned or strongly disincentivized, to prevent applications under false pretenses for monetary gain. Other means, like drawing lots, may be used to resolve contention sets. The GAC supports ALAC’s view expressed in its advice to the ICANN Board noting that they believe there “should be a ban on private auctions” and that “by mandating ICANN only auctions, the proceeds of any such ICANN auctions can at least be directed for uses in pursuit of public interest, such as was determined through the CCWG on Auction Proceeds.”

Talking Points & Questions

Under development at the time of this briefing.

Background

Individual Internet end users. Representing the At-Large Community, the 15-member ALAC consists of two members selected by each of the five Regional At-Large Organizations (RALOs) and five members appointed by ICANN's Nominating Committee. Advocating for the interests of end-users, the ALAC advises on the activities of ICANN, including Internet policies developed by ICANN's Supporting Organizations.

The GAC and ALAC have been meeting at ICANN Public Meetings in order to coordinate and discuss ICANN policy issues of common interest. In the past they have worked to develop joint statements on certain policy and operational topics.

- [Joint Letter to the ICANN Board on the New gTLDs Applicant Support Program \(ASP\)](#) (May 2024)
- [Joint Statement on enabling inclusive, informed and meaningful participation at ICANN](#) (March 2019)

Key Reference Documents

- [ICANN77 Washington D.C Communique](#) (June 2023)
- [GAC Public Comment input to the ICANN Board](#) (June 2021) (see Auctions p.8)
- [ALAC Advice to the ICANN Board on the Subsequent Procedures PDP Recommendations](#) (April 2021)
- [GNSO New gTLDs Subsequent Procedures PDP Final Report](#) (February 2021)

Document Administration

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GAC Strategic Planning

Session 10

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Session Objective

Members of ICANN’s Governmental Advisory Committee will consider endorsing both the 4-year GAC Strategic Plan (2024-2028), which was adopted intersessionally, as well as a related first GAC Annual Plan, for the 2024/2025 time frame.

It is expected that this Strategic Planning effort will serve to bolster the GAC’s proactive stance in ICANN deliberations, increase the Committee’s readiness to provide timely and effective advice and policy input, and to assist in communicating the GAC’s priorities with higher levels of governments and ICANN stakeholders.

Leadership Proposal for GAC Action

- 1. Consider endorsing the 4-year GAC Strategic Plan (2024-2028)¹** in the GAC Kigali Communiqué, as approved intersessionally.
- 2. Consider approving and endorsing the corresponding and first GAC Annual Plan for the 2024/2025 time frame,** in the GAC Kigali Communiqué.

¹ See GAC Strategic Plan 2024-2028 in Annex to this Briefing.

Background

The role of the GAC, as provided in the ICANN Bylaws², has traditionally led to the GAC adopting a generally reactive posture, conducting its work and providing advice or policy input in reaction to developments in various ICANN processes.

In some instances, such a posture has led to unsatisfactory outcomes for governments, for participants in the ICANN community or for the ICANN Board. This was particularly the case during the preparation and launch of the 2012 round of New gTLDs. Based on this experience, and in connection with governments' concerns regarding priority ICANN issues such as New gTLDs, Registration Data and DNS Abuse Mitigation, GAC leaders and volunteers have adopted a more proactive stance, aiming to drive and align ICANN policy outcomes with the public policy interests of governments.

Building on this evolution, the GAC Leadership is seeking to cement a level of proactivity in GAC activities, in a more systematic fashion, with a view to increasing the Committee's readiness to provide timely and effective advice and policy input. To this end, the GAC Chair has invited GAC Topic Leads, GAC Working Group leaders and representatives of the GAC in various ICANN processes to consider, in their respective areas of expertise, what should be the strategic priorities and objectives of the Committee for the foreseeable future, as well as concrete outcomes to expect on an annual basis.

During ICANN79, the GAC discussed and approved, in principle, a set of 8 initial Strategic Objectives, which were complemented intersessionally, resulting in 9 Strategic Objectives in the following areas:

1. Role for Governments in ICANN
2. Effectiveness of the Governmental Advisory Committee
3. Future Rounds of New gTLDs
4. DNS Abuse
5. Domain Registration Data
6. Universal Acceptance
7. Impact of New Technology on Internet Unique Identifier Systems
8. Internet Governance
9. Internet Number Resources

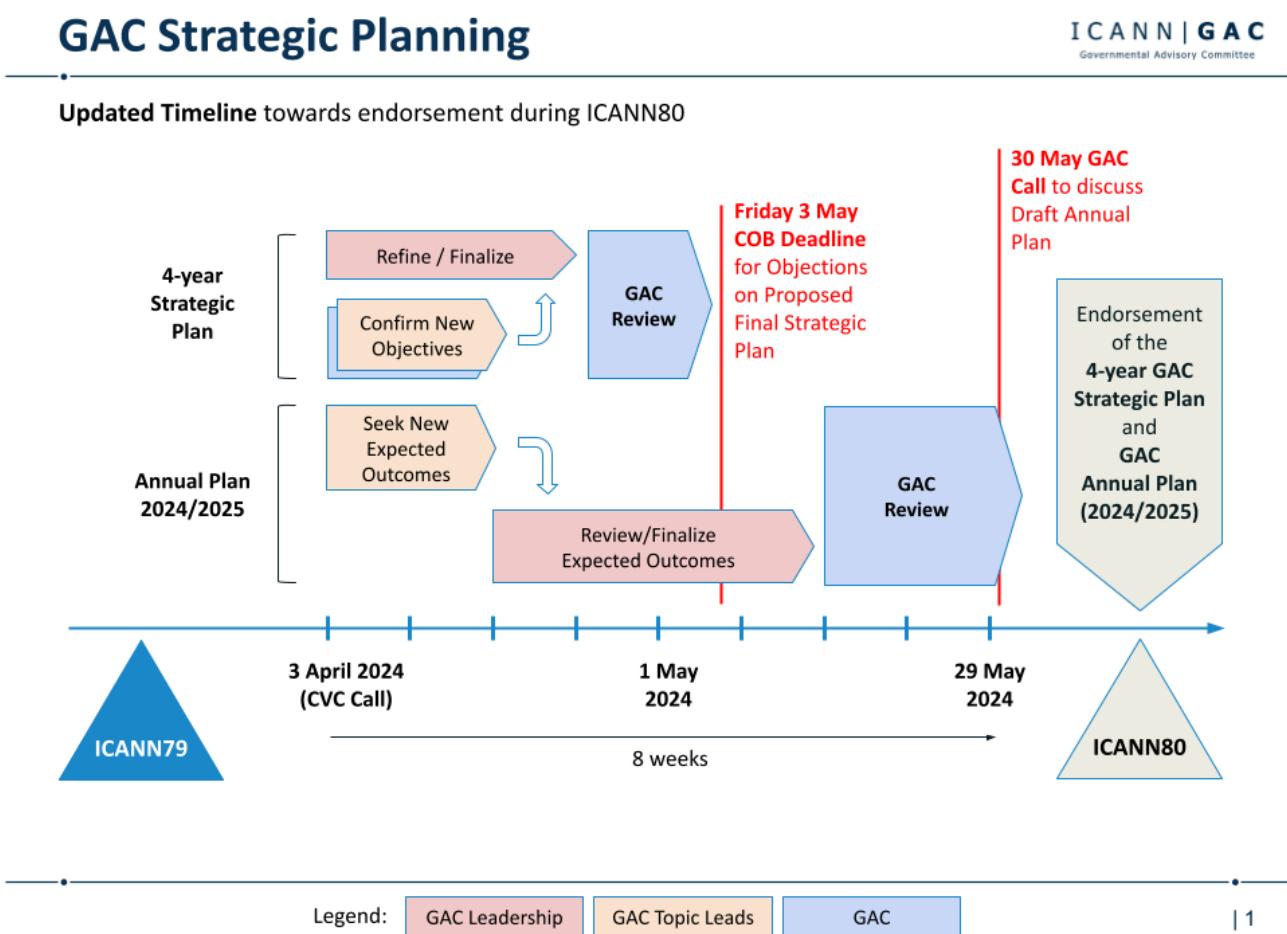
The Final 4-year GAC Strategic Plan (2024-2028)³ was adopted intersessionally, on 3 May 2024, following two GAC consultations from 9 April to 17 April 2024 ([GAC Strategic Plan: Last Call for Strategic Objectives + Next Steps](#)), and from 25 April to 3 May 2024 ([Proposed Final 4-year GAC Strategic Plan 2024-2028](#)).

² See [ICANN Bylaws](#), section 12.2(a)

³ See GAC Strategic Plan 2024-2028 in Annex to this Briefing.

Draft GAC Annual Plan 2024/2025

The ICANN80 Plenary Session on Strategic Planning is expected to focus on discussion, and endorsement of the first GAC Annual Plan for the 2024/2025 time frame. A draft was circulated to the GAC on 17 May ([For GAC Review - Draft GAC Annual Plan 2024-2025](#)) for review until 29 May, at which time the GAC is expected to discuss Members input in a conference call scheduled prior to ICANN80 on [Thursday, 30 May at 13:00 UTC](#) [GAC website login required to access the link] consistent with the timeline discussed with the GAC since ICANN79.



This [Draft GAC Annual Plan 2024/2025](#) draws from the [initial Draft GAC Strategic Plan document](#) that was populated with the contributions of GAC Topic Leads in the Jan.-Feb. 2024 time frame. It now reflects the final formulation of the GAC’s Strategic Objectives in the GAC Strategic Plan 2024-2028 (in Annex), and proposes, accordingly, refined text and structure for the Expected Outcomes, possible Key Performance Indicators (KPIs), and relevant resources for each of the Strategic Objectives.

Document Administration

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STRATEGIC PLAN 2024-2028

Endorsed by the GAC on [Date of ICANN80 GAC Kigali Communiqué]

GAC Mission, Vision and Values Statement

Consistent with ICANN's Article of Incorporation and ICANN's Bylaws, including ICANN's Mission, Commitments and Core Values, in the following statements, the GAC aims to propose specific statements for the sole purpose of the Committee's Strategic Planning.

Mission

To provide public policy advice to ICANN on issues that affect the stability, security, and global interconnectedness of the Internet's unique identifier systems and to exercise its powers and rights to ensure accountability of the ICANN Board and organization, as a Decisional Participant in ICANN's Empowered Community.

Vision

The GAC envisions a future where the Internet's unique identifier systems remain a trusted and reliable foundation for the global digital ecosystem, reflecting the needs of all users and stakeholders across the globe.

Values

- **Transparency and Accountability:** The GAC strives for open and inclusive policy development processes that ensure all voices are heard.
- **Multistakeholder Governance:** We recognize the importance of a collaborative approach where governments, the private sector, civil society, and the technical community work together for the benefit of the internet.
- **Global Policy Consideration:** We advocate for policies that are developed with a global perspective, taking into account the needs of diverse communities and cultures.
- **Stability and Security:** We prioritize the stability and security of the Internet's unique identifier systems to ensure their continued smooth operation.
- **Human Rights and International Law:** the GAC's values center on harnessing the use of digital technology, and specifically the Internet's unique identifier systems, for the benefit of humanity, upholding human rights and international law in the context of the digital age.

GAC Strategic Objectives 2024-2028

1) Role for Governments in ICANN

In support of reaffirming the critical role of governments within the ICANN multistakeholder model, the GAC will seek to ensure that governments can effectively pursue their public policy interests, through both existing and future ICANN processes and procedures. In particular, the GAC will work to assess whether current ICANN structures provide sufficient and meaningful opportunity for the GAC, to develop, influence, and modify policy outcomes.

2) Effectiveness of the Governmental Advisory Committee

The GAC will seek to increase active and meaningful participation of GAC Members in its deliberations and operations. The GAC will also work to enhance its effectiveness as a participant in the multistakeholder processes of ICANN, including by ensuring that the voice of GAC members is expressed and appropriately represented, and by leveraging collaboration and alignment with other ICANN constituencies.

3) Future Rounds of New gTLDs

Leveraging the experience and lessons learned from previous rounds of New gTLDs, including on their costs, benefits and accessibility, the GAC will seek to ensure that any future rounds of New gTLDs:

- Promote competition, consumer trust and consumer choice;
- Contribute to reducing the digital divide, in particular through the support of applicants from underserved and underrepresented regions and the promotion of Internationalized Domain Names
- Incorporate appropriate security, stability and resiliency safeguards
- Include appropriate procedures and capabilities for the GAC to address unexpected issues arising from specific or categories of applications, in particular issues affecting the global public interest such as Geographical Names.

4) DNS Abuse

The GAC will engage proactively in the work of the ICANN community and will provide advice on the activities of ICANN as they relate to governments' concerns regarding DNS Abuse⁴, in order to:

- Promote the security, stability, and resiliency of the DNS
- Reduce the incidence and harm of DNS Abuse in existing gTLDs and New gTLDs
- Support the continuous improvement of DNS Abuse mitigation and prevention standards and their effective enforcement by ICANN
- Review and identify Best Practices in preventing and mitigating DNS Abuse for wider adoption
- Review, assess and encourage implementation of concrete measures to combat Phishing, Pharming, Botnets, Malware and Spam, in partnership with relevant institutions that deal with the issue.
- Provide GAC members capacity building workshops, sessions and potentially whole programs, either on a permanent basis or on an ad-hoc approach, in order to enhance understanding of these issues.

In its work, keeping in mind the ever-evolving nature of DNS abuse, the GAC will seek to survey GAC Members and Observers to better understand how to address concerns and meet expectations of governments.

⁴ See [GAC Statement on DNS Abuse](#) (18 September 2019)

5) Domain Registration Data

The GAC will work to identify and recommend steps to promote and support the continued accessibility and improved accuracy of domain registration information, consistent with applicable privacy regulatory frameworks and in line with the GAC Principles Regarding WHOIS Services.⁵

Acknowledging continued evolution in the uses of WHOIS data, the GAC will work with the ICANN community to ensure that registration data policy reflects and addresses the complexities of the current domain name industry. This includes ensuring that legitimate requests made to registrars for domain registration data are met with access to meaningful data. This data should clearly articulate the roles of each of the entities participating in the registration of a domain name, including the authoritative source of registration data and the end user of the domain name (e.g. beneficial user) to avoid confusion with other entities such as privacy and proxy services and/or resellers.

6) Universal Acceptance

The GAC will work collaboratively among governments and with all stakeholders to promote a multilingual Internet and to provide universal access by ensuring that all domain names, including new Top-Level Domains, Internationalized Domain Names, and email addresses are treated equally and can be used by all Internet-enabled applications, devices, and systems.

7) Impact of New Technology on Internet Unique Identifier Systems

The GAC will increase understanding and raise awareness of the challenges and opportunities of new technologies as they relate to the Internet's unique identifier systems. To that end, the GAC will leverage the expertise in the ICANN Community, governments and beyond, to share information and consider potential implications, for the benefit of GAC members and all stakeholders.

8) Internet Governance

The GAC will work to ensure that governments, the ICANN Board, ICANN org and ICANN community participants are kept regularly apprised of developments and challenges in the Internet Governance (IG) ecosystem that impact the Internet's unique identifier systems. The GAC may coordinate efforts among Members to make contributions to global IG processes, within the framework of the multi-stakeholder model.

9) Internet Number Resources

The GAC will work to ensure that its members receive regular updates on developments pertaining to RIRs Internet's unique identifiers allocation policies, including policy changes. The GAC may coordinate efforts among interested Members to make informed contributions to relevant processes.

⁵ The [GAC Principles Regarding WHOIS Services](#) (28 March 2007) recognize both the need to safeguard individuals' privacy and legitimate public interest uses of WHOIS data, including contributing to law enforcement investigations, combating fraud and misuse of intellectual property, complying with relevant laws, safeguarding the public, and contributing to user confidence in the Internet.

GAC Wrap-Up Session

Session 12 - GAC Meeting Wrap-Up

Contents

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2024 GAC Leadership Elections - Nomination Period	1
HLGM and Public Meeting Feedback - Lessons Learned	2
Possible Topic Follow-Up Time - ICANN80 to 81 Planning	2
Further Information	2

Session Objectives

A final GAC “wrap-up” session has been scheduled at ICANN80 to enable GAC delegates to conduct follow-up discussions regarding any timely topics or issues that arise during the meeting week. This additional flexible session time can be used by GAC Members to accommodate topics or presenters who were not able to speak earlier in the week. GAC attendees can also discuss specific follow-up or next-step activities that will require intersessional committee action. If needed, the session can also be used for Communiqué drafting activities, if final text polishing and review still needs to be done.

Three potential planning matters for this ICANN80 wrap-up session will be the beginning of the nomination period for the 2024 GAC Chair and Vice Chair elections, feedback (lessons-learned) regarding the HLGM and various sessions held at ICANN80, and discussion of other potential priority topics for GAC discussions during the ICANN81 Annual General Meeting.

2024 GAC Leadership Elections - Nomination Period

Later this year, committee leadership elections for the GAC Chair (who serves a two-year term) and GAC Vice chairs (who serve one-year terms) will be conducted.¹ During this session, the GAC Support staff will provide an overview of this year’s nomination and election process to the GAC Membership.

Nominations for committee leadership candidates start at the end of the GAC meeting which precedes the meeting in which the confirmation is due to take place (see GAC Operating Principle 33). Thus, candidate nominations for the roles of GAC Chair and GAC Vice Chairs will begin shortly after the ICANN80 (Kigali) meeting and will conclude on 25 September 2024 - 45 days before the

¹ The current terms of the GAC Chair and vice chairs extend to the end of the ICANN82 meeting (March 2025).

start of the GAC ICANN81 (Istanbul) meeting during which the confirmation of any necessary balloting is due to take place. If more than one candidate for GAC Chair and/or five candidates for the positions of Vice-Chairs are identified during the nomination period, then a balloting process will be held.

The results of each election, shall formally be announced during the ICANN81 GAC public meeting, and shall take effect at the end of the next GAC Meeting (ICANN82) (see GAC Operating Principle 31).

HLGM and Public Meeting Feedback - Lessons Learned

Time permitting and with a particular focus on the HLGM and bilateral interactions, GAC delegates can express their thoughts and feedback about the meeting experience and share ideas about lessons-learned and improvements for meeting planning and implementation at ICANN80.

Possible Topic Follow-Up Time - ICANN80 to 81 Planning

Based on the GAC's experience during the previous virtual Public Meetings, time during this session can also be set-aside to enable GAC follow-up discussions regarding any timely topics or issues that may have arisen during the meeting week. This additional flexible time can also be used by GAC members to discuss specific follow-up activities that may be triggered during the meeting week.

Further Information

GAC Operating Principles -

<https://gac.icann.org/operating-principles/operating-principles-june-2017>

Document Administration

Title	ICANN80 - GAC Agenda Item #12 Briefing - GAC Wrap-Up Session
Distribution	GAC Members (before meeting) and Public (after meeting)
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ICANN80 GAC Schedule (as of 27-May-2024)

UTC	UTC-6	UTC+6	UTC+2	Sunday 9 June (Day 0)	Monday 10 June (Day 1)	Tuesday 11 June (Day 2)	Wednesday 12 June (Day 3)	Thursday 13 June (Day 4)	UTC+2			
7:00	3:00	15:00	9:00	GAC High Level Government Meeting (HLGM)	GNSO Sub Pro IRT (1/3)	1. GAC Opening Plenary (75 mins)	4. Meeting with the GNSO (75 mins)	GNSO Sub Pro IRT (2/3)	9. Meeting with the ALAC (75 mins)	GNSO Sub Pro IRT (3/3)	11.c. GAC Communiqué (75 mins)	9:00
7:15	3:15	15:15	9:15									9:15
7:30	3:30	15:30	9:30		9:30							
7:45	3:45	15:45	9:45		9:45							
8:00	4:00	16:00	10:00		10:00							
8:15	4:15	16:15	10:15		10:15							
8:30	4:30	16:30	10:30		Coffee Break (30 mins)	Coffee Break (30 mins)	Coffee Break (30 mins)	Coffee Break (30 mins)	10:30			
8:45	4:45	16:45	10:45		10:45							
9:00	5:00	17:00	11:00		2. GAC Discussion on New gTLDs Next Round (90 mins)	5. GAC Discussion on DNS Abuse Mitigation (45 mins)	10. GAC Strategic Planning (90 mins)	11.d. GAC Communiqué (90 mins)	11:00			
9:15	5:15	17:15	11:15			11:15						
9:30	5:30	17:30	11:30		6. GAC Discussion on WHOIS and Data Protection (incl. Accuracy) (45 mins)	11:30						
9:45	5:45	17:45	11:45			11:45						
10:00	6:00	18:00	12:00		12:00							
10:15	6:15	18:15	12:15		12:15							
10:30	6:30	18:30	12:30		Lunch Break (90 mins)	Lunch Break (90 mins)	Lunch Break (90 mins)	Lunch Break (90 mins)	12:30			
10:45	6:45	18:45	12:45			-	-	-	12:45			
11:00	7:00	19:00	13:00		GAC Commonwealth Meeting (12:15-13:15)	GAC Leadership Meeting [C]	13:00					
11:15	7:15	18:15	13:15		13:15							
11:30	7:30	18:30	13:30		13:30							
11:45	7:45	18:45	13:45		13:45							
12:00	8:00	19:00	14:00		3. Meeting with the ICANN Board (75 mins)	7. GAC Capacity Development Session (75 mins)	11.a. GAC Communiqué (75 mins)	11.e. GAC Communiqué (75 mins)	14:00			
12:15	8:15	19:15	14:15						14:15			
12:30	8:30	19:30	14:30		14:30							
12:45	8:45	19:45	14:45		14:45							
13:00	9:00	20:00	15:00		Coffee Break (30 mins)	Coffee Break (30 mins)	Coffee Break (30 mins)	Coffee Break (30 mins)	15:00			
13:15	9:15	20:15	15:15		15:15							
13:30	9:30	20:30	15:30		WSIS+20 Session (90 mins)	8. African Engagement in the GAC (90 mins)	11.b. GAC Communiqué (90 mins)	12. GAC Operations and Wrap-Up* (90 mins) *additional Communique time if needed	Board Led Community Engagement on Draft FY26-30 ICANN Strategic Plan to present Draft Strategies (90 mins)	15:30		
13:45	9:45	20:45	15:45							15:45		
14:00	10:00	21:00	16:00	16:00								
14:15	10:15	21:15	16:15	16:15								
14:30	10:30	21:30	16:30	16:30								
14:45	10:45	21:45	16:45	16:45								
15:00	11:00	22:00	17:00	Opening Reception (60 mins)	Networking Cocktail (60 mins)	Networking Cocktail (60 mins)	Closing Reception (60 mins)	17:00				
15:15	11:15	22:15	17:15					17:15				
15:30	11:30	22:30	17:30	17:30								
15:45	11:45	22:45	17:45	17:45								
16:00	12:00	23:00	18:00	Reception High Level Officials [C] (90 mins)								18:00
16:15	12:15	23:15	18:15									18:15
16:30	12:30	23:30	18:30									18:30
16:45	12:45	23:45	18:45									18:45
17:00	13:00	0:00	19:00									19:00
17:15	13:15	0:15	19:15									19:15
17:30	13:30	0:30	19:30									19:30
17:45	13:45	0:45	19:45									19:45
18:00	14:00	1:00	20:00								20:00	
					GAC Plenary Sessions GAC Joint Sessions Community Sessions GAC Communiqué GAC Capacity Building and Outreach SOAC Sessions of GAC interest		Official times for ICANN79 09:00-17:00 (UTC+2) *** ICANN Board Workshop (7-9 June)					