

# **Japan's proposal on DNS Abuse**

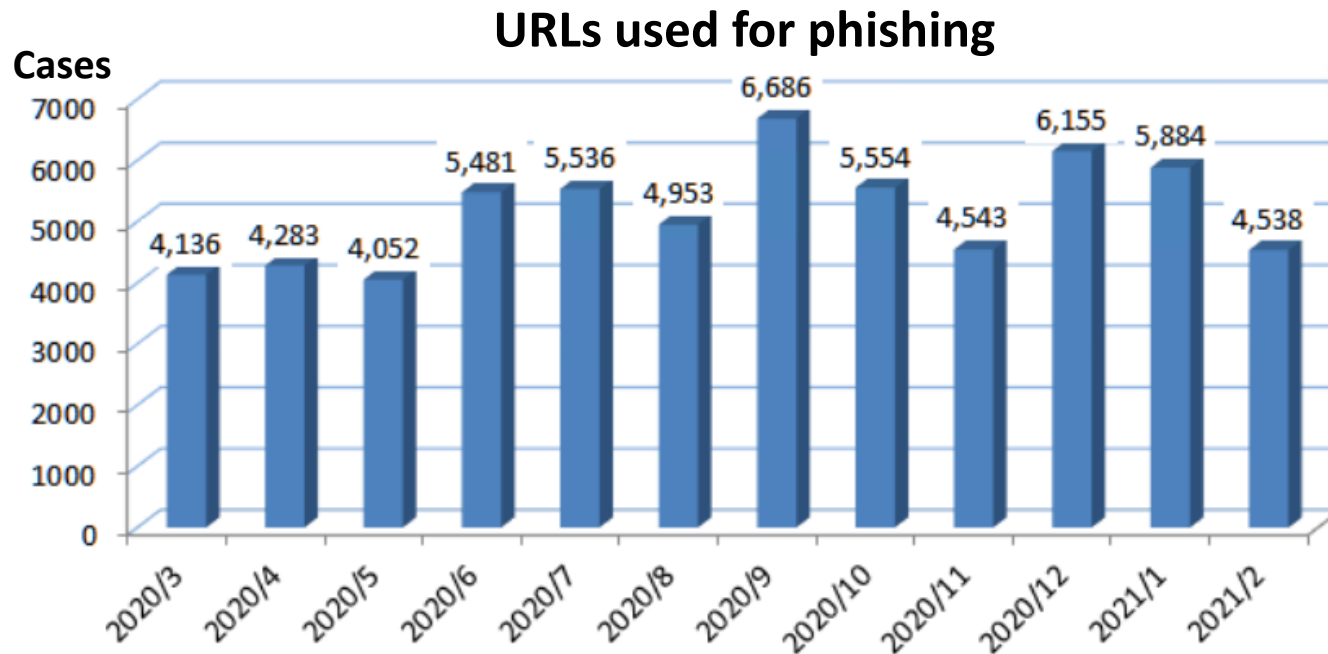
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Ministry of Internal Affairs  
and Communications (MIC)  
Japan

# 1. Damage by DNS abuse in Japan

DNS abuse is also a serious problem in Japan.

For example, around 5,000 URLs are reported to have been used by phishing websites every month. These websites deceive users into believing that they are well-known online shopping or banking sites.



Council of Anti-Phishing Japan

(ref) <https://www.antiphishing.jp/report/monthly/202102.html>

In order to reduce the number of abused domain names, we think it is important for Registries and Registrars to take action, including suspension, etc., within the scope of contracts.

Registry Agreements and Registrar Accreditation Agreement provision;

- To include a provision in the Registry-Registrar Agreement that requires Registrars to include in their Registration Agreements a provision prohibiting Registered Name Holders from operating illegal activities including piracy, trademark and copyright infringement and providing (consistent with applicable law and any related procedures) consequences for such activities  
(Registry Agreements Specification 9 Registry Operator Code of Conduct Article 3 a)
- To investigate and respond appropriately to any reports of abuse  
(Registrar Accreditation Agreement 3.18)
- To publish a point of contact for third parties wishing to report abuse  
(Registrar Accreditation Agreement Specification on Privacy and Proxy Registration Article 2)

However, there are some cases where Registries, Registrars and P/P Providers are showing invalid addresses as a dedicated abuse point of contact, and don't respond to reports of abuse.

In order to guarantee that the operations of Registries and Registrars are in compliance with ICANN contracts,

Japan would like to propose that GAC begin discussions on finding appropriate measures to strengthen enforcement, such as audits, under the session of 'DNS Abuse'.

➤ Registry Agreements and Registrar Accreditation Agreements include provisions that Registries, Registrars and Privacy/Proxy (P/P) Providers shall take appropriate measures against abuse.

## ○ Registry Agreements Specification 9 Registry Operator Code of Conduct

- 3.a. **Registry Operator will include a provision in its Registry-Registrar Agreement** that requires Registrars to include in their Registration Agreements a provision **prohibiting Registered Name Holders from distributing malware, abusively operating botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law**, and **providing (consistent with applicable law and any related procedures) consequences for such activities including suspension of the domain name**.

## ○ Registrar Accreditation Agreement

3.18 Registrar's Abuse Contact and Duty to Investigate Reports of Abuse.

- 3.18.1 **Registrar shall maintain an abuse contact to receive reports of abuse involving Registered Names sponsored by Registrar, including reports of Illegal Activity**. Registrar shall publish an email address to receive such reports on the home page of Registrar's website (or in another standardized place that may be designated by ICANN from time to time). **Registrar shall take reasonable and prompt steps to investigate and respond appropriately to any reports of abuse**.
- 3.18.2 **Registrar shall establish and maintain a dedicated abuse point of contact**, including a dedicated email address and telephone number that is monitored 24 hours a day, seven days a week, to receive reports of Illegal Activity by law enforcement, consumer protection, quasi-governmental or other similar authorities designated from time to time by the national or territorial government of the jurisdiction in which the Registrar is established or maintains a physical office. **Well-founded reports of Illegal Activity submitted to these contacts must be reviewed within 24 hours by an individual who is empowered by Registrar to take necessary and appropriate actions in response to the report**. In responding to any such reports, Registrar will not be required to take any action in contravention of applicable law.

## ○ Registrar Accreditation Agreement Specification on Privacy and Proxy Registration

- 2.2 Abuse/Infringement Point of Contact. **P/P Provider shall publish a point of contact for third parties wishing to report abuse or infringement of trademarks (or other rights)**.
- 2.4 Terms of service and description of procedures. The P/P Provider shall publish on its website and/or Registrar's website a copy of the P/P Provider service agreement and description of P/P Provider's procedures for handling the following:
- 2.4.1 **The process or facilities to report abuse of a domain name registration managed by the P/P Provider;**
- 2.4.2 **The process or facilities to report infringement of trademarks or other rights of third parties;**