GAC Webinar on DNS Abuse Contract Amendments

ICANN

22 May 2023

Agenda

- Welcome

- DNS Abuse Contract Amendments

- Next Steps: Public Comment & The Global Amendment

- Q&A

DNS Abuse Contract Amendments

DNS Abuse Negotiation Status

- Preliminary Agreement for Both the RAA & RA!

    - ICANN org and the Registrar Stakeholder Group (RrSG) reached preliminary agreement on amendment text for the Registrar Accreditation Agreement (RAA) at ICANN76.

    - ICANN org and the Registries Stakeholder Group (RySG) reached preliminary agreement on amendment text for the Base gTLD Registry Agreement (RA) the week of 10 April.

Proposed Contractual Obligations

The DNS Abuse Amendments:

- For the purpose of the RA and RAA, *DNS Abuse* means malware, botnets, phishing, pharming, and spam (when spam serves as a delivery mechanism for the other forms of DNS Abuse listed in this Section) as those terms are defined in Section 2.1 of SAC115.

- Focus on the target outcome of stopping or disrupting the use of gTLD domain names for DNS Abuse.

- Permit contracted parties to exercise reasonable discretion, as the appropriate mitigation actions may vary depending on the circumstances of each case.

- Recognize the different roles between Registrar and Registry.

- Do not remove or reduce any existing obligations.

Mitigation Actions to Stop or Disrupt DNS Abuse

- Mitigation is not a one size fits all approach
- Available actions for Registrars and Registries:
  - **Suspend** the Domain Name - Stops the name from resolving, disables associated services such as email; reversible
    - Client Hold (Registrar) / Server Hold (Registry
  - **Contact the Registrant** - Inform them of issue, support them to remediate; particularly for cases of "compromised websites"
  - **Delete** the Domain Name from the zone - Stops the name from resolving, disables associated services such as email
  - **Lock** the Domain Name - Prevents transfering, changing details, or deleting
  - **Redirect** - changing the nameservers, usually to log traffic and identify & help victims

Why not prescribe specific actions and timelines?

- The DNS ecosystem is composed of many actors, existing and evolving threats, including the DNS Abuse categories. It is unfeasible to account for all possible scenarios and prescribe the specific actions that a contracted party must take to guarantee the desired outcome in all instances.

- A prescriptive approach may allow for insufficient or delayed action in situations where swift action is required, or result in undesirable disproportionate outcomes where the actions involve compromised domain names.

- The DNS Abuse Amendments allow contracted parties to exercise the discretion needed to evaluate the circumstances of each case and determine the appropriate action to achieve a required target outcome of stopping or disrupting the use of domains for DNS Abuse.

- The intention is to minimize the scope and intensity of the harm and victimization caused by DNS Abuse while limiting collateral damage caused by the contracted party's actions.

Next Steps: Public Comment & The Global Amendment

DNS Abuse Proposed Amendments Procedure Timeline

Board Approval

Amendment Effective

Negotiate	Public Comment	Finalize Amendment Proposal	CP Voting	ICANN Board Consideration	Implementation period

We are here

May-July 2023   July-Sept 2023   Oct-Dec 2023   Targeted for Jan/Feb 2024   60 Days

Next Step: Public Comment Proceeding

Public Comment Opens

Public Comment Closes

End of May 2023

Mid-July 2023

ICANN org and the CPH will hold an "Information Session - DNS Abuse Contract Amendments" during ICANN77 Prep Week on Tuesday, 30 May 2023 for 90 minutes.

Global Amendment Procedure

Utilizing the Global Amendment procedures to update both the RA and RAA

- The same process was used for the:
  - 2017 Global Amendment to the Base RA
  - 2023 Global Amendments to the Base RA and 2013 RAA for Registration Data Access Protocol (RDAP)
- For registries that are not a party to the Base RA, additional steps will be required including additional negotiation with those registries to include the proposed changes into the respective registry agreements.
  - Both .COM & .NET (proposed) have provision to adopt the result of global amendment for DNS Abuse via the LOI

Registry Operator Voting Approval Thresholds

Registry Operator Approval - Voting results must reach the following two (2) thresholds as defined by base RA Section 7.6 (j) (ii):
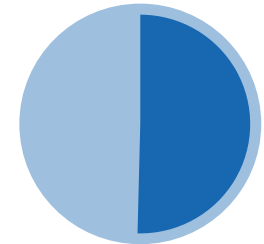
1. The affirmative approval of **Applicable Registry Operators whose payments to ICANN accounted for two-thirds of the total amount of fees paid**, pursuant to the Registry Agreement, the immediately previous calendar year.
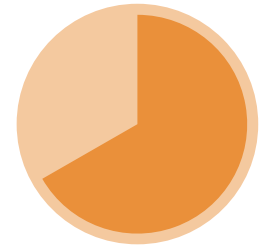
2/3

+

2. The affirmative approval of a **majority (over 50%)** of the Applicable Registry Operators at the time such approval is obtained.

50%

Registrar Voting Approval Thresholds

Registrar Approval - voting result must reach the following threshold as defined by Section 1.18.1 of the Registrar Accreditation Agreement (RAA):

- The affirmative approval of **Applicable Registrars accounting for 90% of the total registered domain names under management (TDUMs)* as calculated** pursuant to Section 1.18.1:

    *The DUM count for the 5th largest applicable registrar family will replace the DUM count for the top four (4) registrar families - meaning more applicable registrars overall must vote in the affirmative to reach the 90% threshold.
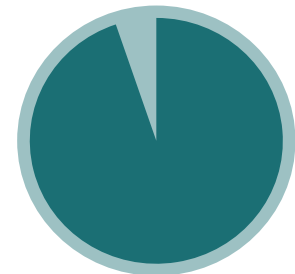
    *90%

- The final calculation for registrar voting weight will be based on the most recent Per-Registrar Transactions Report available prior to the conclusion of the voting period.

Recap of Dates to Know

- **Jan–May 2023:** ICANN org + CPH negotiate to define changes to the RAA and RA.

- **30 May 2023:** "Information Session - DNS Abuse Contract Amendments" during ICANN77 Prep Week.

- **May-July 2023:** Publish the negotiated amendments on icann.org website for Public Comment.

- **July–September 2023**: ICANN org + CPH will consider the Public Comments and finalize an amendment proposal.

- **October-December 2023**: Voting Period.

- **Q1 2024:** ICANN Board consideration.

- **Q2 2024:** If approved, Global Amendments become effective 60 days from the date of ICANN's notice.

Q&A