

Public Safety Working Group Update

20 October 2020

Speakers:

Laureen Kapin, Federal Trade Commission, United States - PSWG Co-chair
Chris Lewis-Evans, National Crime Agency, UK

ICANN69

I C A N N | G A C
Governmental Advisory Committee



Reminder: PSWG Terms of Reference (June 2015)

2020-2021 PSWG Work Plan (Endorsed by the GAC on 16 March 2020)

1. DEVELOP DNS ABUSE AND CYBERCRIME MITIGATION CAPABILITIES

Develop capabilities of the ICANN and Law Enforcement communities to prevent and mitigate abuse involving the DNS as a key resource

2. PRESERVE AND IMPROVE DOMAIN REGISTRATION DIRECTORY SERVICES

EFFECTIVENESS

Ensure continued accessibility and improved accuracy of domain registration information that is consistent with applicable privacy regulatory frameworks

3. EFFECTIVE PSWG OPERATIONS AND STAKEHOLDER RELATIONS

Ensure PSWG operations remain effective and consistent in meeting the needs of the GAC and public safety agencies.

Per ICANN69 Leadership Proposal for GAC Action ([GAC Briefing](#)):

GAC Members to consider encouraging their relevant public safety agencies (criminal and civil law enforcement, and consumer protection agencies), **to join the work of the PSWG** by sharing operational experience, expertise as well as any policy concerns.

The Working Group relies on the continued engagement of its stakeholders and continues to seek volunteers to contribute to and to take on a leading role in shepherding PSWG work.

Proposed nomination of Chris Lewis-Evans (UK National Crime Agency) as additional PSWG Co-Chair

- The PSWG has at times run with 3 co-chair positions (since its formation in 2015)
- **Criteria for the selection of PSWG co-Chairs** were discussed with the GAC:
 - Active and sustained contribution to the GAC, the PSWG and/or ICANN (2+ years)
 - Expertise in Public Safety and Internet Governance issues
 - Experience of ICANN's multi-stakeholder community
 - Geographic and gender diversity
 - Ability to devote substantial time and effort to the PSWG's work
- Since 2017, Chris has been a **continuous and vital source of expertise and leadership**:
 - Setting and advancing the PSWG's agenda
 - Establishing channels of cooperation with ICANN stakeholders at a critical time for public safety agencies worldwide (WHOIS reforms, COVID-19 pandemic)
 - Serving as an active member of the EPDP GAC representation
 - Contributing to the SSAC's working group on DNS Abuse
 - Representing the PSWG in many cross community discussions

Access to gTLD Registration Data

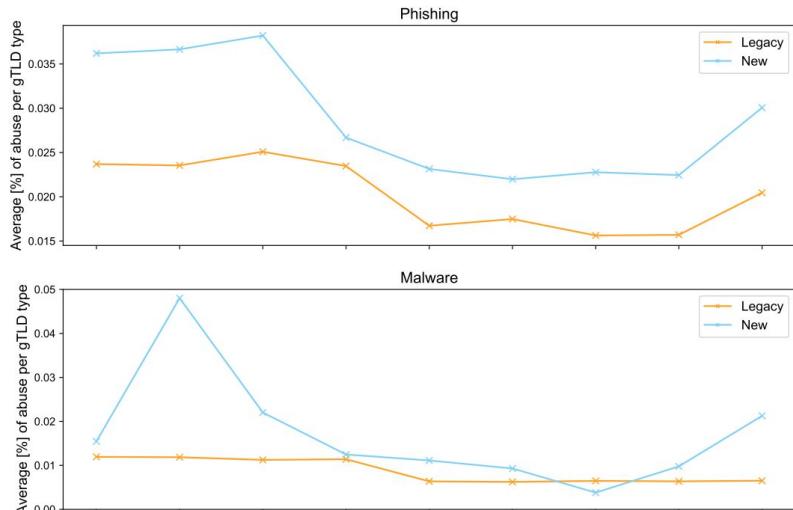
- Shared interest in establishing an effective Access Model that provide timely and effective access for properly formed and legally justified requests
- Doubts among several stakeholder groups as the Cost/Benefits balance in the proposed SSAD recommendations (EPDP Phase 2)
- Concerns with ICANN Board being referred non consensus recommendations by the GNSO (EPDP Phase 2 Final Report)
- Shared expectation of an effective and non-conflicted individual to chair future policy work (next phase of EPDP in particular)
- Continued concerns around Accuracy of Registration Data and the suspension of ICANN's Accuracy Reporting System
- Interest in Denmark's Domain Name Act requiring mandatory publication of .DK Registration Data, as well as interest in .DK identity verification, as possible models applicable to gTLDs

DNS Abuse

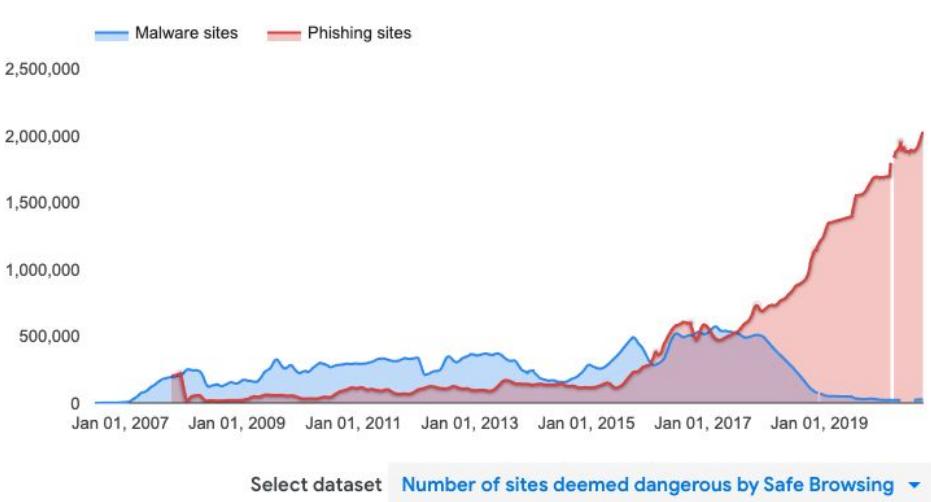
- **DNS Abuse and threats to the DNS won't go away** and will continue to evolve. Focus on:
 - Speed of response by responsible parties where applicable
 - Accuracy of registration information
 - Clear and enforceable contract provisions with consequences
 - Continued communications and coordination with relevant parties (incl. in strike force format when needed)
- **Enforceability of ICANN contract provisions** remains a key and shared concern with several stakeholder groups. Concrete proposals may help constructively influence changes in future contracts (new gTLDs, renewals, negotiations)
- Shared concerns around the **New gTLD Subsequent Procedure PDP WG not addressing DNS Abuse**. Where and how will policy be considered ?
- **Upcoming SSAC Work Party report on DNS Abuse** expected to advance the conversation and toward concrete and effective actions
- **Governments and LEA education material on cybercrime** would support ongoing community initiatives to inform end-users

DNS Abuse Continues

- Latest Phishing study: <http://www.interisle.net/PhishingLandscape2020.html>
 - Most phishing takes place within a few days of registration. Speaks to timeliness of response to request for registration data.
 - 60% of domains are maliciously registered by phisher (vs. compromised domains)
- DAAR shows some recent rises in Phishing and Malware



Source: [ICANN DAAR Report 30 Sep. 2020](#)



Source: [Google Safebrowsing](#) cited by Interisle

Magnitude of Harm

- The FBI's Internet Crime Complaint Center received 467,361 complaints in 2019
 - Average of nearly 1,300 every day—
 - Recorded more than \$3.5 billion in losses to individual and business victims
 - The most frequently reported complaints were phishing and similar ploys.
- 85% of reported fraud in the UK is cyber enabled.
- Global ransomware reports increased by 715.08 percent.
- Over 60% of cyber security incidents where personal data breaches are reported to the UK's DPA are attributed to Phishing and Malware.

Public Interest Commitments

- Stem from GAC Early Warnings and Safeguard Advice ([GAC Beijing Communiqué](#), 2013)
- Concerns with enforceability of PICs, and their enforcement through the PIC Dispute Resolution Procedure or PICDRP (ICANN68 Discussions and letters between BC/IPC stakeholders and ICANN Board)
- Concerns with the possibility of future Voluntary PICs under new ICANN Bylaws (recent [ICANN Board correspondence](#) to Sub Pro PDP Working Group)

DNS Abuse-related Contractual Provisions

Subject of GAC Questions in [Hyderabad](#) and [Copenhagen](#) Communiqué, and [responses](#) by ICANN in 2017

- Registry Agreement Specification 11 3b (in line with part of GAC Safeguard Advice)
 - ICANN Contractual Compliance [Audit of Registries](#) from Nov. 2018 to June 2019: *Dialogue between Registries and ICANN org is needed to develop a shared understanding of the scope of RO obligations under Specification 11 3(b).*
 - *"Many Registries deployed good practices for identifying and addressing DNS security threats"*
 - *"Many [Registries] do not [...] interpret the Specification to obligate them to share the details of their existing DNS security threat programs with Compliance"*
 - *"Some Registries who narrowly interpret Spec. 11 3(b) declined to provide detail beyond statistical data [...] making it difficult to form a judgment as to whether their efforts to mitigate DNS security threats are effective"*
- Registrar Accreditation Agreement Section 3.18 (following LEA Recommendations in 2013 negotiations)
 - Audit by ICANN Contractual Compliance expected to start before the end of the year

DNS Abuse Related Recommendations

14. Provisions in Registry Agreements to **incentivize adoption of proactive anti-abuse measures**
15. Contractual provisions aimed at **preventing systemic use of specific registrars or registries for DNS Security Abuse**, including thresholds of abuse at which compliance inquiries are automatically triggered and consider a possible DNS Abuse Dispute Resolution Policy (DADRP) if the community determines that ICANN org itself is ill-suited or unable to enforce such provisions
17. Publication of the **chain of parties responsible for registrations**

Latest Developments

- **ICANN Board** considered these recommendations (1 March 2019) and either placed them in pending status (14, 15) or will consider further input when appropriate (17)
- **ICANN org** reported (23 Aug. 2019) recommendation 17 implemented to the extent consistent with current policy requirement. The GAC commented that more work is needed
- **GAC Advice** to the ICANN Board in the GAC Montreal Communiqué (6 Nov. 2019):
"not to proceed with a new round of gTLDs until after the complete implementation of the recommendations in the Competition, Consumer Trust and Consumer Choice Review that were identified as "prerequisites" or as "high priority"

ICANN Board expected to take further action during ICANN69

