GNSO Policy Update

June 2009

ICANN Policy Department

Topics:

- **Inter-Registrar Transfer Policy**
- **Post-Expiration Domain Name Recovery**
- **Registration Abuse Policies**
- **Fast Flux**
- **WHOIS Studies**
- **Policy Development Process Work Team**
- **Working Groups Team**
- **Constituency & Stakeholder Group Work Team**
- **GNSO Operations Work Team**
- **Communications & Coordination Work Team**

ICANN Policy Staff Briefing

Inter-Registrar Transfer Policy

Background

- Inter-Registrar Transfer Policy (IRTP) is a consensus policy adopted in 2004 to provide a straightforward procedure for domain name holders to transfer domain names between registrars

- As part of an overall review of this policy, a working group identified issues for improvement and clarification that were divided in to one (denials clarification) + five IRTP PDPs

IRTP Part A

- The IRTP Part A WG submitted its recommendations to the GNSO Council in March 2009
- The GNSO Council considered these recommendations and resolved:
  - To encourage staff to explore further assessment of whether the Internet Registry Information Service (IRIS) would be a viable option for the exchange of registrant email address data between registrars;
  - To include in future IRTP working groups the issue of the appropriateness of a policy change that would prevent a registrant from reversing a transfer after it has been completed; and
  - That ICANN Staff communicate to registries and registrars that the current bulk transfer provisions do apply to cases requiring the transfer of all names in one single gTLD

IRTP Part B

- In order to be more efficient, the GNSO Council resolved on 16 April 2009 to combine the issues outlined under the original issue set B, addressing three issues on undoing IRTP transfers, and some of the issues outlined in issue set C, related to registrar lock status into one IRTP Part B

- The Issues Report was submitted to the GNSO Council on 15 May 2009

IRTP Part B (Cont'd)

a) Whether a process for urgent return/resolution of a domain name should be developed

b) Whether additional provisions for undoing inappropriate transfers are needed, especially with regard to disputes between a Registrant and Admin Contact

c) Whether special provisions are needed for a change of registrant when it occurs near to the time of a change of registrar

d) Whether standards or best practices should be implemented regarding use of Registrar Lock status

e) Whether, and if so, how best to clarify denial reason #7: A domain name was already in 'lock' status provided that the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status

Staff Recommendation

- The launch of a PDP on the issues outlined in the issues report is considered within the scope of the ICANN policy process and within the scope of the GNSO

- Staff considers enhancements of the IRTP beneficial to the community generally, particularly for registrants, as well as those parties (gTLD registries and registrars) who are obligated to comply with the policy provisions

Next Steps

- GNSO Council to consider the motion on the initiation of a Policy Development Process (PDP) on IRTP Part B at its meeting on 24 June

- If GNSO Council decides to initiate a PDP, consider the proposed Working Group Charter

Additional Information

- To join the IRTP Part B Working Group, please contact the GNSO Secretariat (gnso.secretariat@gnso.icann.org)
- IRTP Part A Final Report - http://gnso.icann.org/issues/transfers/irtp-final-report-a-19mar09.pdf
- IRTP Part B Issues Report - http://gnso.icann.org/issues/transfers/irtp-report-b-15may09.pdf
- Inter-Registrar Transfer Policy - http://www.icann.org/en/transfers/policy-en.htm
- IRTP Part B Wiki - https://st.icann.org/irtp-partb/index.cgi?irtp_part_b

ICANN Policy Staff Briefing

Post-Expiration Domain Name Recovery

Background

- The At-Large Advisory Committee (ALAC) requested an issues report in November 2008

- ALAC alleges that current measures 'have proven to be ineffective', 'loss of domain name can cause significant financial hardship' and previous attempts to instill predictability for post-expiration domain name recovery are 'not successful'

- The issues report was submitted to the GNSO Council in December 2008 for consideration

- At its meeting on 7 May 2009, the GNSO decided to initiate a Policy Development Process (PDP) on Post-Expiration Domain Name Recovery

The PDP

- The PDP will consider the following questions:
  - ➢ Whether adequate opportunity exists for registrants to redeem their expired domain names;
  - ➢ Whether adequate expiration-related provisions in typical registration agreements are clear and conspicuous enough;
  - ➢ Whether adequate notice exists to alert registrants of upcoming expirations;

(continued next slide)

The PDP (Cont'd)

➤ Whether additional measures need to be implemented to indicate once a domain name enters the Auto-Renew Grace Period, it has expired (e.g. Hold status, a notice on the site with a link to information on how to renew, or other options to be determined);

➤ Whether to allow the transfer of a domain name during the RGP.

Next Steps

- GNSO Council to consider and vote on PEDNR WG Charter at its meeting on Wednesday 24 June

- PEDNR Workshop on Wednesday 24 June from 14.00 – 16.00 to allow for first exchange of views with the broader community on the issues that will be part of the Post-Expiration Domain Name Recovery PDP

Proposed WG Charter

- The Working Group initially shall:

    1. Pursue the availability of further information from ICANN compliance staff to understand how current RAA provisions and consensus policies regarding deletion, auto-renewal, and recovery of domain names following expiration are enforced;

    2. Review and understand the current domain name life cycle;

    3. Review current registrar practices regarding domain name expiration, renewal, and post-expiration recovery.

- The Working Group shall then consider the PDP questions outlined before

How to get involved?

- Join as a Member of the PEDNR Working Group (contact the GNSO Secretariat - gnso.secretariat@gnso.icann.org)

- Monitor the PEDNR Wiki - https://st.icann.org/post-expiration-dn-recovery-wg/

- Participate in the workshop

Additional information:

- Post-Expiration Domain Name Recovery Issues Report – http://gnso.icann.org/issues/post-expiration-recovery/report-05dec08.pdf

- Translations available at: http://gnso.icann.org/policies/

ICANN Policy Staff Briefing

Registration Abuse Policies

Background

- Registries and registrars seem to lack uniform approaches to dealing with domain name registration abuse, and questions persist as to what role ICANN should play in addressing domain name registration abuse

- Issues report requested in September 2008 found: no uniform approach by registries / registrars to address abuse, no clear definition of abuse, many registry agreements explicitly allow registries to take down or terminate domain names for abuse, and number of registries do not have any provisions

- The Council launched a pre-PDP RAP WG in Feb 2009

Background (Cont'd)

- Issues report recommends that further research would be needed to determine if and how abuse is dealt with, how abuse provisions are implemented and adhered to, and whether they are deemed effective in addressing abuse

- WG will address amongst others: what is the difference between registration abuse and domain name use abuse; what is the effectiveness of existing abuse policies; and which areas, if any, are suitable for GNSO policy development

- The GNSO Council will not make a decision on whether or not to initiate a PDP on registration abuse policies until the RAP Working Group has presented its findings

Status Update

- The RAP WG submitted a status update to the GNSO Council on 2 June

- Status update outlines activities to date including the organization of a workshop on registration abuse in Mexico City; SSAC participation and collaboration, and; discussion on the scope and definition of registration abuse

- WG will continue its bi-weekly meetings and report back to the Council in due time

- Open WG meeting in Sydney on Monday 22 June

Additional Information

- RAP WG Status Update - http://gnso.icann.org/issues/registration-abuse/rap-wg-status-update-02jun09.pdf

- RAP WG Wiki - https://st.icann.org/reg-abuse-wg/index.cgi?registration_abuse_policies_working_group

- Registration Abuse Policies Issues Report - http://gnso.icann.org/issues/registration-abuse/gnso-issues-report-registration-abuse-policies-29oct08.pdf

ICANN Policy Staff Briefing

Fast Flux

Background

- January 2008: SAC 025 Fast Flux Hosting and DNS
  - Characterizes Fast Flux (FF) as an evasion technique that enables cybercriminals to extend lifetime of compromised hosts employed in illegal activities
  - 'Encourages ICANN, registries, and registrars […] to establish best practices to mitigate fast flux' and 'consider whether such practices should be addressed in future agreements'.
- March 2008: GNSO Council Request for an Issues Report
  - Issues report recommends further fact-finding and research
- May 2008: GNSO initiates Policy Development Process (PDP) on Fast Flux Hosting
- June 2008: Fast Flux Hosting Working Group formed

Background (Cont'd)

- Working Group met on weekly basis, but encountered a number of challenges:
  - Does this matter fall within ICANN's remit or should other avenues be pursued?
  - How should Fast Flux be defined?
  - Legitimate vs. Illegitimate use
  - What kinds of monitoring are needed?
  - How should monitored data be reported, published, shared?
  - What actions (responses) are appropriate?
  - Who monitors FF activities today? Are they trustworthy?
  - Are registrars and registries expected to monitor FF activity?
  - Are data currently collected accurate and sufficient to justify a domain suspension action?
  - What is an acceptable "false positive" rate?

Background (Cont'd)

- Initial Report published on 26 January 2009

- Report provides initial answers by the WG to the Charter Questions, incl. a list of characteristics that a fast flux attack network might exhibit and fast flux metrics

- Interim Conclusions:
  - Challenges encountered by the WG in relation to intent and definition / characterization of fast flux
  - Fast flux is one component of larger issue of Internet fraud and abuse
  - Perhaps these broader, interrelated issues ought to be taken into account in any potential PDP and/or next steps.
  - Careful consideration to be given to the role ICANN should play in this process

Status Update

- FF WG has been reviewing and analyzing the public comments received

- FF WG is working on finalizing its conclusions and recommendations

- Final report expected to be published shortly

- At this stage, no recommendations for policy changes or development of new consensus policy are anticipated

- FF WG is expected to put forward a number of ideas for consideration by the GNSO Council such as a redefinition of the issue and scope, development of a fast flux data reporting system and ICANN as a best practice facilitator

Additional Information

- FF WG Wiki - https://st.icann.org/pdp-wg-ff/index.cgi?fast_flux_pdp_wg

- Fast Flux Hosting Initial Report - http://gnso.icann.org/issues/fast-flux-hosting/fast-flux-initial-report-26jan09.pdf

- Fast Flux Hosting Issues Report - https://st.icann.org/pdp-wg-ff/index.cgi?fast_flux_pdp_wg

ICANN Policy Staff Briefing

WHOIS Studies

Background

- **In March the GNSO Council identified six WHOIS study areas that should be assessed for cost and feasibility.**
  - Extent to which WHOIS data is misused to generate spam or other illegal or undesirable activities;
  - The growing use of non-ASCII character sets in WHOIS records and whether this will detract from data accuracy and readability;
  - Extent to which proxy and privacy services are being used for abusive and/or illegal purposes, and complicate investigation into e-crimes;
  - Extent to which proxy and privacy services respond to information requests when presented with reasonable evidence of actionable harm;
  - Whether legal persons and/or those registering names for a commercial purpose are providing inaccurate WHOIS data implying they are natural persons or registering for a non-commercial purpose; and
  - Whether proxy/privacy services are used by registrants who are legal vs. natural persons and whether most information requests are directed at registrants who are natural persons

Background (Cont'd)

- In May 2009, the GNSO Council asked staff to compile a comprehensive set of requirements for the WHOIS service policy tools based on current requirements and a review of previous GNSO WHOIS policy work.
  - ➢ As requested, staff will perform this work in consultation with the SSAC, ALAC, GAC, ccNSO and GNSO

Approach

- Policy staff is defining parameters for each study area, identifying feasibility concerns, and drafting RFPs to solicit estimated costs.

- Staff is consulting with the community, including those who recommended specific studies and those with data that might be useful in the execution of relevant studies.

- One study proposal -- to examine the growing use of non-ASCII characters in WHOIS records -- involves a technical analysis and is different from the other studies. This study will be explored in conjunction with the WHOIS Service Requirements Study.

- Staff intends to release study assessment info as analyses are complete; work is ongoing and initial feasibility assessments and cost determinations will likely take several months to complete. GNSO will then consider next steps.

Additional Information

- http://gnso.icann.org/issues/whois/

ICANN Policy Staff Briefing

Policy Development Process Work Team (PDP-WT)

Background

- The PDP-WT is responsible for developing a new policy development process that incorporates a working group approach and makes it more effective and responsive to ICANN's policy development needs. The primary tasks are to develop:

  1. Appropriate operating principles, rules and procedures applicable to a new policy development process; and

  2. An implementation/transition plan

Background (Cont'd)

- Taking into account that a new PDP:
    1. Is better aligned with the contractual requirements of ICANN's consensus policies
    2. Emphasizes pre-launch work
    3. Be more flexible
    4. Provides for periodic assessment
    5. Is better aligned with ICANN's strategic plan and operations plan
    6. Contains rules, processes and procedures that are more effective and efficient

Approach

- Brainstorming session at ICANN meeting in Mexico

- Followed by (bi-) weekly conference calls

- Input and participation of external experts (e.g. BOF presentation by Thomas Narten)

- Review of Staff PDP Background Document

- Breakdown of work in to 5 stages – currently considering the planning & initiation stage

Additional Information

- PDP-WT Wiki - https://st.icann.org/icann-ppsc/index.cgi?pdp_team

ICANN Policy Staff Briefing

Working Groups Team (WGT)

Background

- The Working Groups Team is responsible for creating new guidelines to make working groups more inclusive, representative, and effective:
  - ➢ Appoint skilled chairs and drafters to properly scope objectives
  - ➢ Facilitate openness to those interested in offering their insights and expertise; balancing size, skills, and interests as necessary based on the subject matter.
  - ➢ Encourage wider participation in languages other than English.
  - ➢ Ensure fair treatment for all reasonable views and objectivity in identifying areas of agreement.
  - ➢ Include a procedure for appealing decisions.
  - ➢ Consider the need for special resources, including potential training, use of outside experts and/or professional facilitators, and related budget requirements that should be factored into the overall planning cycle.

Approach

- Two deliverables have been identified for creation:
  - ➢ "**Working Groups: Implementation and Charter Drafting Guidelines**" – designed to inform a sponsoring organization (e.g. GNSO Council) concerning elements to be considered in creating, purposing, funding, staffing, and instructing/guiding a WG to accomplish some desired outcome.
  - ➢ "**Working Groups: Operating Model Guidebook**" – designed for leaders/members of individual WGs commissioned by a sponsoring organization; as such, it considers such elements as structuring, norming, tasking, reporting, and delivering the outcome(s) as chartered.

- Each sub-group is developing chapter headings / outlines and drafts for these deliverables

Additional Information

- Working Group Team WIKI – see https://st.icann.org/icann-ppsc/index.cgi?working_group_team\

- "Charter Drafting Guidelines" -- see https://st.icann.org/icann-ppsc/index.cgi?wg_team_charter

- "Operating Model Guidebook" – see https://st.icann.org/icann-ppsc/index.cgi?wg_team_model

ICANN Policy Staff Briefing

Constituency and Stakeholder Group (CSG) Work Team

Background

- The CSG Work Team will develop proposals for Council consideration based on the ICANN Board's recommendations for improved inclusiveness, effectiveness and efficiency of the GNSO constituency and stakeholder group operations including, but not limited to:

  ➢ Developing a global outreach program to broaden participation in current constituencies;

  ➢ Enhancing existing constituencies by developing recommendations on the following:

    ➢ A set of top-level participation guidelines based on the principles as defined in the GNSO recommendations, while recognizing differences between constituencies and that one size may not fit all constituencies; and

    ➢ A "tool kit" of basic administrative, operational and technical services available to all constituencies

Approach

- The Work Team is developing a Work Plan and timelines to determine recommendations in the following areas:

  - A framework for participation in any ICANN Constituency that is objective, standardized, and clearly stated;

  - Operating principles that are representative, open, transparent, and democratic;

  - Creating and maintaining a database of all constituency members and others not formally a part of any constituency that is up-to-date and publicly accessible; and

  - A "tool kit" of basic administrative, operational and technical services that could be made available to all Constituencies.

Additional Information

- CSG Work Team WIKI – see https://st.icann.org/icann-osc/index.cgi?constituency_operations_team

- "Work Team Task 1 Work Plan" -- see https://st.icann.org/icann-osc/index.cgi?osc_constituency_operations_work_team_task_1_work_plan

ICANN Policy Staff Briefing

GNSO Operations (GCOT) Work Team

48

Background

- The GCOT Work Team will develop proposals for Council consideration based on the Board's recommendations including, but not limited to:

  ➢ Determining what steps are needed to establish the role of the Council as a "strategic manager of the policy process";

  ➢ Defining and developing scope and responsibilities of any other standing "committees" as recommended by the BGC WG (those suggested to date: committee to analyze trends; committee to benchmark policy implementation);

  ➢ Developing "Statement of Interest" and "Declaration of Interest" forms;

  ➢ Developing curriculum for training Council members, constituents, facilitators and others;

  ➢ Reviewing the current specifications and recommend rules for the establishment of new constituencies within stakeholder groups; and

  ➢ Reviewing and recommend amendments as appropriate regarding methods for encouraging, promoting and introducing new constituencies.

Approach

- The Work Team has completed drafts of the following deliverables:
  - High-level principles to establish the role of the Council as a "strategic manager of the policy process";
  - A draft "Statement of Interest"/"Declaration of Interest" policy; and
- The Work Team is beginning work on changes to the GNSO Council Rules of Procedure to meet the requirements of the Board Recommendations for GNSO Improvements.

Additional Information

- GCOT Work Team WIKI – see
  https://st.icann.org/icann-osc/index.cgi?gnso_operations_team

ICANN Policy Staff Briefing

Communications and Coordination (CCT) Work Team

Background

- The CCT Work Team will develop proposals based on the Board's recommendations for increased communication effectiveness and efficiency within the GNSO and improved coordination with other ICANN structures, including, but not limited to:
  - ➢ Developing New GNSO Website requirements and document management capacity;
  - ➢ Improving the GNSO's ability to solicit meaningful feedback; and
  - ➢ Improving GNSO's coordination with other ICANN structures.

Approach

- The CCT Work Team recently completed the following deliverable:
  - A first draft of a set of Business Requirements to improve the GNSO website and, in a phased approach, address basic collaboration as well as limited document management capabilities that were identified as deficient in the Board's Report on GNSO Improvements.

- The Team is also working on:
  - Recommendations to enhance the GNSO's ability to solicit meaningful community feedback;
  - Considering the current ICANN translation process for documents associated with policy development; and
  - Recommendations to improve GNSO's coordination with other ICANN structures.

Additional Information

- CCT Work Team WIKI – see https://st.icann.org/icann-osc/index.cgi?osc_communications_team

ICANN Policy Staff Briefing

Questions?