

The RySG remains a strong supporter of ICANN's multistakeholder policy development process. The creation of timely and appropriate industry policy remains the bedrock of the ICANN community. Recent trends in global legislative developments have tended to veer towards fragmentation of approach and resulting requirements. These trends stand in contrast to the core principles of uniformity and predictability characteristic of a single, interoperable DNS. We believe our continued support of ICANN and the multistakeholder model (MSM) is more important than ever.

Establishing the standard of Minimum Compliance is the goal

Although an uncomfortable truth for some, the ICANN community should seek to establish and, in turn, ICANN Org should seek to enforce a minimum acceptable compliance standard. Any registry operator who chooses to aim to achieve minimum compliance with that policy, i.e. meet the basic expectations of their contract, must be permitted to do so. In the context of ICANN enforcement, achieving minimum compliance is the goal, and this expectation must be deemed acceptable by the community. The RySG acknowledges that for the majority of registry operators, 'mere compliance' is not the target, but a baseline. The RySG support for setting minimum contractual standards in policy development does NOT mean that we do not equally fully support efforts of the industry to, either collectively or individually, elevate responses and innovate beyond that minimum expectation of the ICANN contract. We simply believe the expectations of a PDP process must be tempered appropriately, and the GNSO must ensure all participants in that PDP process work in good faith towards that goal.

While the RySG plans to enthusiastically participate in and contribute to policy development work on DNS Abuse undertaken within the GNSO, should the Council opt to initiate such work, we also plan to continue the work we have been doing to develop best practices and educational resources for registry operators in parallel. We believe there is room for both contractual requirements and best practices within the gTLD industry and that both have a role to play in contributing to the larger fight against DNS Abuse.

Proven Best Practices Support Future Policy Efforts

ICANN policy is necessarily separate from 'best practices'. Industry activism and innovation continuously seek to push this bar higher, and ultimately participation beyond minimum compliance remains an individual choice of the registry operators. Effort of such registry operators will improve various key aspects such as reputation and these in turn, it is presumed, will impact key elements such as commercial viability of the registry operators and their service; registry operators will be judged by the market and by the choices of the consumers and/or registrants who seek to have a safe and secure domain. Innovation, excellence and continued enhancement of the appropriate response to DNS Abuse is a much broader concept and goal than base policy, and efforts beyond this minimum should remain in the purview of the individual operator. The RySG will continue to support and offer what resources we can to those efforts that try to raise that bar in DNS Abuse prevention and mitigation, but we do not believe that every such effort is suitable, or indeed capable of being enshrined in ICANN policy at this point in time. In time, however, where best practices approach the industry norm, or indeed the expectation of the generally accepted practice (GAP), then such GAP standards are prime

candidates for inclusion as minimum compliance standards, and ICANN minimum policy expectation.

Need for a PDP?

Noting that ICANN policy objectives should necessarily be that of universal, minimum compliance, the RySG is happy to partake in any such endeavor that is properly scoped and is narrowly defined within ICANN's remit so as to achieve an implementable and enforceable outcome for that stated issue or issues. We would further note that to ensure the success of such a PDP, we would expect the GNSO Council, as manager of the PDP, to create a clear, narrow, and precise charter, and appropriately enforce the good faith participation of all those involved in the PDP's progress to ensure minimal scope creep, with a view to ensuring an efficient, timely and focused output. We recognize that DNS Abuse is a potentially broad topic and so we would be open to the possibility of multiple discreet PDPs, if taking such an approach would allow each individual effort to be sufficiently focused so as to successfully produce new requirements in a timely manner.

Scoped to Support Success

The ultimate success of the policy development model remains based on continued good faith participation in the policy development process. As such, we absolutely support creation of policy that addresses distinct and clearly defined issues, which clearly require the universal and uniform solutions that only the MSM can achieve.

We therefore must strive to ensure a few key expectations are embedded into any proposed PDP, to best set up such an effort for success:

- As a gating issue, any PDP (or PDPs) on DNS Abuse must be properly scoped. First and foremost, any policy expectation relating to DNS Abuse must remain within ICANN's remit. This point has long been echoed by ICANN Org itself.

- Secondly, the GNSO must ensure the sufficient definition of the issue or issues, to be solved.

- Good policy is predicated on realistic expectations. ICANN policy can only achieve the desired outcome where:
 - The proposed policy is aimed at creating the minimum acceptable policy (i.e. minimum compliance standards). Policy development has not, and will never be the appropriate vehicle for the creation of 'best practices,' especially where such practices are not universally accepted across the DNS industry, as a whole.
 - Policy creation efforts seek to establish minimum qualifying criteria, criteria which remain ultimately implementable, monitorable and enforceable in a manner that is uniform (as much as possible), universal in application, and predictable for those expected to implement.
 - Policy supports predictability. Registry operators must be able to predict where and how enforcement will occur, and registrants must be able to predict what will be considered acceptable and understand when decisions are taken against

them that they are based upon non-arbitrary and transparent policy with which they are required to comply.

Conclusion

Although the RYSG currently does not know of any specifically defined issue that requires a PDP; should such an issue be clearly identified, and scoped, we would be very willing to engage.