

Registration Abuse Policies Working Group Recommendations - Overview

1. Those recommendations that the Council has acted upon and are in progress.

Description	RAPWG Level of Consensus	Pending action/status
<p>Malicious Use of Domain Names – Recommendation #1: The RAPWG recommends the creation of non-binding best practices to help registrars and registries address the illicit use of domain names. This effort should be supported by ICANN resources, and should be created via a community process such as a working or advisory group while also taking the need for security and trust into consideration. The effort should consider (but not be limited to) these subjects:</p> <ul style="list-style-type: none"> • Practices for identifying stolen credentials • Practices for identifying and investigating common forms of malicious use (such as malware and phishing) • Creating anti-abuse terms of service for inclusion in Registrar-Registrant agreements, and for use by TLD operators. • Identifying compromised/hacked domains versus domain registered by abusers • Practices for suspending domain names • Account access security management • Security resources of use or interest to registrars and registries • Survey registrars and registries to determine practices being used, and their adoption rates. 	Unanimous Consensus	At its meeting on 3 February 2011, the GNSO Council resolved to request a discussion paper on the creation of non-binding best practices to help registrars and registries address the abusive registrations of domain names in accordance with the Registration Abuse Policies Working Group Final Report. ICANN Staff is in the process of writing the discussion paper, but in order to obtain input from the GNSO Council and ICANN Community on this topic a workshop has been scheduled at the ICANN Meeting in Singapore.
<p>Cybersquatting – Recommendation #1: The RAPWG recommends the initiation of a Policy Development Process by requesting an Issues Report to investigate the current state of the UDRP, and consider balanced revisions to address cybersquatting if appropriate. This effort should consider:</p> <ul style="list-style-type: none"> • How the UDRP has addressed the problem of cybersquatting to date, and any insufficiencies/inequalities associated with the process. • Whether the definition of cybersquatting inherent within the existing UDRP language needs to be reviewed or updated. 	Unanimous Consensus	Preliminary Issue Report published for public comment on 27 May. Session on the UDRP planned for Singapore to solicit input on Preliminary Report. “Final Issue Report” to be published after a public comment period closes on 15 July.

2. **Those recommendations that the Council has started acting on by requesting input from ICANN Compliance Staff.** The Council has not considered or decided what, if any, next steps need to be taken with regard to these two recommendations on the basis of the feedback provided.

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<p>WHOIS Access – Recommendation #2: The GNSO should request that the ICANN Compliance Department publish more data about WHOIS accessibility, on at least an annual basis. This data should include a) the number of registrars that show a pattern of unreasonable restriction of access to their port 43 WHOIS servers, and b) the results of an annual compliance audit of compliance with all contractual WHOIS access obligations</p>	<p>Unanimous Consensus</p>	<p>At its 3 February 2011 meeting, the GNSO Council asked Policy Staff to forward the two issues identified by the RAP DT as having low resource requirements, WHOIS Access recommendation #2 and Fake Renewal Notices recommendation #1, to ICANN Compliance Staff for resolution. Policy Staff has forwarded this request to Compliance Staff and a response was received 23 Feb. (http://gnso.icann.org/mailing-lists/archives/council/msg10766.html). A discussion with Compliance Staff was held in San Francisco.</p>
<p>Fake Renewal Notices – Recommendation #1: The RAPWG recommends that the GNSO refer this issue to ICANN’s Contractual Compliance department for possible enforcement action, including investigation of misuse of WHOIS data [Note, conditional fake renewal notices recommendation #2]</p>	<p>Unanimous Consensus</p>	<p>At its 3 February 2011 meeting, the GNSO Council asked Policy Staff to forward the two issues identified by the RAP DT as having low resource requirements, WHOIS Access recommendation #2 and Fake Renewal Notices recommendation #1, to ICANN Compliance Staff for resolution. Policy Staff has forwarded this request to Compliance Staff and a response was received 23 Feb. (http://gnso.icann.org/mailing-lists/archives/council/msg10766.html). A discussion with Compliance Staff was held in San Francisco. See also conditional recommendation #2.</p>

3. A group of recommendations that the Council has not considered at all, some of which did not receive the consensus of the Registration Abuse Policies working group. [organized based on level of consensus achieved]

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<p>WHOIS Access – Recommendation #1: The GNSO should determine what additional research and processes may be needed to ensure that WHOIS data is accessible in an appropriately reliable, enforceable, and consistent fashion. The GNSO Council should consider how such might be related to other WHOIS efforts, such as the upcoming review of WHOIS policy and implementation required by ICANN’s new Affirmation of Commitments.</p>	Unanimous Consensus	
<p>Fake Renewal Notices – Recommendation #2 – conditional on #1: The following recommendation is conditional. The WG would like to learn the ICANN Compliance Department’s opinions regarding Recommendation #1 above, and the WG will further discuss Recommendation 2 looking forward to the WG’s Final Report. The RAPWG recommends the initiation of a Policy Development Process by requesting an Issues Report to investigate fake renewal notices.</p>	Unanimous Consensus	See also Fake Renewal Notices – Recommendation #1
<p>Meta Issue: Collection and Dissemination of Best Practices: The RAPWG recommends that the GNSO, and the larger ICANN community in general, create and support structured, funded mechanisms for the collection and maintenance of best practices.</p>	Unanimous Consensus	
<p>Cross-TLD Registration Scam: The RAPWG recommends the GNSO monitor for Cross-TLD registration scam abuse in the gTLD space and co-ordinate research with the community to determine the nature and extent of the problem. The WG believes this issue warrants review but notes there is not enough data at this time to warrant an Issues Report or PDP.</p>	Unanimous Consensus	
<p>Meta Issue - Uniformity of Reporting: The RAPWG recommends that the GNSO, and the larger ICANN community in general, create and support uniform reporting processes.</p>	Unanimous Consensus	
<p>Domain Kiting / Tasting: It is unclear to what extent domain kiting happens, and the RAPWG does not recommend policy development at this time. The RAPWG suggests that the Council monitor the issue (in conjunction with ongoing reviews of domain-tasting), and consider next steps if conditions warrant.</p>	Rough Consensus	

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<p>Uniformity of Contracts: View A: The RAPWG recommends the creation of an Issues Report to evaluate whether a minimum baseline of registration abuse provisions should be created for all in-scope ICANN agreements, and if created, how such language would be structured to address the most common forms of registration abuse. View B: Opposed to the recommendation for an Issues Report as expressed in view A</p>	<p>Strong Support but Significant Opposition</p>	
<p>Gripe Sites; Deceptive and/or Offensive Domain Names – Recommendation #2: View A: Turn down a proposed recommendation that registries develop best practices to restrict the registration of offensive strings. View B: Registries should consider developing internal best practice policies that would restrict the registration of offensive strings in order to mitigate the potential harm to consumers and children.</p>	<p>Strong Support (View A), but Significant Opposition (View B)</p>	
<p>Cybersquatting – Recommendation #2: View A: The RAPWG recommends the initiation of a Policy Development Process by requesting an Issues Report to investigate the appropriateness and effectiveness of how any Rights Protection Mechanisms that are developed elsewhere in the community (e.g. the New gTLD program) can be applied to the problem of cybersquatting in the current gTLD space. View B: The initiation of such a process is premature; the effectiveness and consequences of the Rights Protection Mechanisms proposed for the new TLDs is unknown. Discussion of RPMs should continue via the New TLD program. Experience with them should be gained before considering their appropriate relation (if any) to the existing TLD space.</p>	<p>View A: Supported by 7 Members</p> <p>View B: Supported by 7 Members</p>	

4. One recommendation where the Registration Abuse Policies working group recommends that no further action is required.

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<p>Gripe Sites; Deceptive and/or Offensive Domain Names – Recommendation #1: Rough Consensus: Make no recommendation. The majority of RAPWG members expressed that gripe site and offensive domain names that use trademarks should be addressed in the context of cybersquatting and the UDRP for purposes of establishing consistent registration abuse policies in this area, and that creating special procedures for special classes of domains, such as offensive domain names, may present problems. Alternate view: The URDP should be revisited to determine what substantive policy changes, if any, would be necessary to address any inconsistencies relating to decisions on “gripe” names and to provide for fast track substantive and procedural mechanisms in the event of the registration of deceptive domain names that mislead adults or children to objectionable sites.</p>	<p>Rough Consensus</p>	<p>RAPWG Rough Consensus to make no recommendation, so no further action required at this stage.</p>

Overview of Registration Abuse Policies (RAP) Working Group Recommendations		
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Registration Abuse Policies Final Report Remaining Recommendations¹		
<p>WHOIS Access – Recommendation #2: The GNSO should request that the ICANN Compliance Department publish more data about WHOIS accessibility, on at least an annual basis. This data should include a) the number of registrars that show a pattern of unreasonable restriction of access to their port 43 WHOIS servers, and b) the results of an annual compliance audit of compliance with all contractual WHOIS access obligations</p>	Unanimous Consensus	At its 3 February 2011 meeting, the GNSO Council asked Policy Staff to forward the two issues identified by the RAP DT as having low resource requirements, WHOIS Access recommendation #2 and Fake Renewal Notices recommendation #1, to ICANN Compliance Staff for resolution. Policy Staff has forwarded this request to Compliance Staff and a response was received 23 Feb. (http://gnso.icann.org/mailing-lists/archives/council/msg10766.html). A discussion with Compliance Staff was held in San Francisco.
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¹ Listed as ranked by the RAP-IDT, see letter <http://gnso.icann.org/correspondence/rap-idt-to-gnso-council-15nov10-en.pdf>

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