

27 April 2020

RE: New gTLD Subsequent Procedures Consideration of DNS Abuse

Mr. Keith Drazek
Chair, GNSO Council

Dear Keith,

As you may be aware, the New gTLD Subsequent Procedures PDP WG (SubPro) regularly liaised with the leadership of the Competition, Consumer Trust and Consumer Choice Review Team (CCT-RT) as the CCT-RT worked towards its final recommendations. Because the two groups were running in parallel, at least for a portion of their life cycles, the goal was to try and ensure that potential CCT-RT recommendations were incorporated into SubPro deliberations at an early stage and to avoid surprises once the CCT-RT Final Report was eventually delivered.

On 1 March 2019, the ICANN Board resolved that it:

...takes action on each of the 35 recommendations issued within the Final Report of the Competition, Consumer Trust and Consumer Choice Review Final Report as specified within the scorecard titled "[Final CCT Recommendations: Board Action \(1 March 2019\)](#)" ("Scorecard"). The Board directs ICANN's President and CEO (or his designee(s)) to take all actions directed to the ICANN org within that Scorecard.

On 10 June, the New gTLD Subsequent Procedures PDP WG received an [email](#) notifying the WG that the ICANN Board had considered the CCT-RT recommendations and passed through a number of those recommendations to the target groups. Among the recommendations in the CCT-RT report were several related to DNS Abuse (i.e., 14, 15, and 16). In our soon to be released draft final report however, we will likely comment on these recommendations even though they remain in a "Pending" status" (with the exception of recommendation 16, which was partially passed through) and have not been approved by the ICANN Board.

The current thinking of the Working Group is that on the topic of DNS abuse, we believe that a holistic solution will be needed in *all gTLDs* as opposed to dealing with the CCT-RT's DNS Abuse recommendations solely with respect to new TLDs introduced in subsequent rounds. Recommending new requirements that would only apply to the new gTLDs added to the root in subsequent rounds could result in singling out those new gTLDs for disparate treatment in contravention of the ICANN Bylaws. Therefore, our Working Group is not planning to make any recommendations with respect to mitigating domain name abuse other than stating that any such future effort must apply to both existing and new gTLDs (and potentially ccTLDs).

The purpose of this message is to ensure that the GNSO Council is informed of the direction SubPro is trending towards on the subject of DNS Abuse, as the WG is keenly aware how important this topic is across the community. The leadership team of SubPro agrees that this topic is important, **but given the WG's limited remit to affect only new gTLDs delegated in**

future rounds, it believes that the topic is more appropriately addressed by a group that is able to develop policy for existing TLDs, as well as new gTLDs.

If you have any questions, please let us know.

Sincerely,

Jeff Neuman and Cheryl Langdon-Orr
New gTLD Subsequent Procedures PDP WG Co-Chairs