

GNSO ISSUES REPORT

REGISTRATION ABUSE POLICIES

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Background

- Resolution adopted by GNSO Council on 25 September to request an issues report with respect to the following:
 1. Identify and describe provisions in gTLD registry agreements relating to ability to take action in response to abuse
 2. Identify provisions in representative sample of gTLD registration agreements relating to abuse
 3. Identify previous discussions in ICANN fora relating to provisions of this nature in any of these agreements
 4. Determine which aspects of registration abuse policies may be within scope of GNSO Policy development

1. Provisions in Registry Agreements

- 1) gTLDs with abuse provisions in the Registry Agreement
.BIZ, .JOBS
- 2) gTLDs with abuse provisions in other documents
.CAT, .INFO, .NAME, .PRO, .TRAVEL
- 3) gTLDs with take down provisions that are open to interpretation and could potentially be used to address abusive behaviour
.AERO, .ASIA, .MOBI, .ORG
- 4) gTLDs with no provisions and/or references related to abuse
.COM, .COOP, .MUSEUM, .NET, .TEL

2. Provisions in Registration Agreements

- In addition to Registration Agreements, documents that were included by reference were reviewed (e.g. Acceptable Use Policies, Terms and Use Policies)
- Agreements researched represent more than 50% of all gTLD domain registrations or approx. 50 million domain names
- Registration agreements of the largest registrars generally incorporate a Acceptable Use Policy, but terms vary

3. Discussions in Previous Fora

- A number of previous instances have been identified, including the review of the Registration Accreditation Agreement, ALAC's activities in relation to development of Registrar's code of conduct and Registrant's right and responsibilities, and, the Registry Internet Safety Group

4. Is the Issue in Scope?

- No specific policy issue or question has been raised
- It is unclear from research whether more uniformity in provisions might be necessary to facilitate the technical reliability and/or operational stability of the Internet
- Section 4.2.3. of the RAA relates to policies concerning the registration of domain names, including registration abuse, but policies involving the use of a domain name (unrelated to its registration) are out of scope

5. Discussion of Possible Directions

- Findings of report
 - No uniform approach by registries / registrars to address abuse
 - No universally accepted definition of what constitutes abuse
 - Many registry agreements explicitly allow registries to take down or terminate domain names for abuse at the companies' discretion
 - There are a number of registries that do not have any provisions that deal with abuse, however does not mean they do not address abuse
 - 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

5. Staff recommendation

For the GNSO Council to:

- Review and evaluate findings
- Identify specific policy issues
- Identify whether there is a need for further research

Questions?