

6 January 2023

**Subject: DNS Abuse**

**To:**

- Ashley Heineman, Chair, Registrar Stakeholder Group
- Samantha Demetriou, Chair, Registry Stakeholder Group

Dear Registrar and Registry Stakeholder Group,

As you may be aware, the GNSO Council recently adopted the [DNS Abuse small team report](#). The small team was formed to consider what policy efforts, if any, the GNSO Council should consider undertaking to support the efforts already underway in the different parts of the community to tackle DNS Abuse.

The Council has taken note of the [correspondence](#) from the RySG and RrSG to ICANN org suggesting targeted contractual amendments to the Registrar Accreditation Agreement (RAA) and the Base Registry Agreement (RA). The Council appreciates that the RySG and RrSG have duly taken into consideration the recommendations contained in the DNS Abuse small team report in suggesting that these targeted contractual amendments can help, “move effectively and expeditiously to create requirements that will have a meaningful impact on DNS Abuse mitigation.”

The GNSO Council is hereby reaching out to draw attention to two possible gaps identified by the small team in the interpretation and/or enforcement of the current agreements, namely:

- For the Registry Agreement Specification 11, Section 3(a) it says “include a provision in their agreement with registrars,”. This requirement is limited to the inclusion of the provision. However, further consideration may need to be given to what Registries are doing to ensure the text is indeed included in the Registration Agreement (i.e. Registries enforcing their own Registry-Registrar Agreements).
- For RAA Section 3.18.1 (“Registrar shall take reasonable and prompt steps to investigate and respond appropriately to any reports of abuse”), it is unclear what “reasonable”, “prompt”, and “appropriately” mean, even though ICANN Compliance indicated that they enforce in the case of inaction. The ICANN Compliance response also indicated that “(t)he RAA does not require registrars to take any specific action on the domain names that are subject to abuse reports.” And that “(t)he RAA does not prescribe the specific consequences that registrars must impose on domain names that are subject to abuse reports though”. This interpretation may allow DNS abuse to remain unmitigated, depending upon the registrar’s specific domain name use and abuse policies.

The Council is aware that there may be various approaches to addressing these potential gaps, for example, clarifying the existing requirements through the targeted contractual negotiations that may be initiated by Contracted Parties and ICANN org. We understand that contract negotiations between Contracted Parties and ICANN org will be bilateral, rather than a community process, and nothing in this communication is meant to disturb that status quo. Nevertheless, the Council would appreciate it if the RySG and RrSG could keep the Council abreast of expected next steps. The Council has committed to considering requesting the development of a Preliminary Issue Report on the topic of malicious registrations after the outreach and communication as foreseen under recommendations #2, #3 and #4 of the small team report has taken place, and the Council has had an opportunity to consider the progress made from efforts related to that outreach.

In addition, the Council has taken note of the suggestion from the Registrar Stakeholder Group that “Contracted Parties in consultation with ICANN Compliance could draft a ‘Suggested Standards’ document outlining standards for compliance (e.g. standards for responses to abuse reports) in the context of existing requirements as well as situations in which Contracted Parties recommend that ICANN Compliance take enforcement action (e.g., consistent failure to address clear and actionable DNS Abuse)”.

The Council looks forward to hearing further about this suggestion and potential next steps. We encourage the Registry and Registrar Stakeholder Groups to initiate work on such a ‘Suggested Standards’ document, in consultation with ICANN Compliance.

Last but not least, the GNSO Council would also like to encourage continued discussions between Contracted Parties and DNS Abuse reporters / potential reporters with the goal of further fine-tuning and promoting existing tools and initiatives, and/or those under development, to further work towards easier, better and actionable reporting of DNS Abuse. The Council recognizes the importance of ensuring that harmed parties, when reporting DNS Abuse, know how, to whom, and what information to provide; improving processes to effectively report DNS Abuse greatly aids parties that are in position to mitigate those harms. If the Council can further contribute to facilitating or promoting these discussions, we would like to encourage you to let us know.

The Council asks that you keep us informed of progress on the above activities and looks forward to receiving your feedback.

Sebastien Ducos  
GNSO Chair