GNSO Council Accuracy Small Team Summary

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Council Accuracy Small Team Recommendations

The Council's Accuracy Small Team appreciates the responses and input from ICANN's Stakeholder Groups and Constituencies. The Small Team reviewed all input, including the recommended supplemental materials such as the INFERMAL Study, the guidance from the NIS2 Cooperation Group, and the outstanding recommendation CC.1 from the RDS WHOIS 2 Review Team Final Report and is providing the following preliminary recommendations on where the Small Team found alignment. The main areas of alignment the Small Team noted were:

- Accurate registration data is important to the Domain Name System
- The starting point for a definition of accuracy is the current accuracy-related requirements in the Registrar Accreditation Agreement and Consensus Policies
- Additional improvements to accuracy should be considered, keeping all stakeholders in mind.

In reviewing these preliminary recommendations, it is important to note that these recommendations represent a starting point for progress on the topic of registration data accuracy and do not in any way preclude future work on this topic.

Recommendation 1: The Council Accuracy Small Team recommends examining the existing process for validating and verifying registration data under the 2024 Registrar Accreditation agreement[1] and the potential impact on registrants if this process is modified. The Small Team does not prescribe how this examination could occur. Potential options for how to undertake this examination could include (but are not limited to) referral of the issue to the GNSO Council Small Team on DNS Abuse, further policy work via a narrow PDP, etc. The Small Team does not endorse any specific method at this time.

Rationale: The recent INFERMAL study reported that validation/verification of contact details before or during the registration resulted in a 70% decrease in malicious registrations.[2] While the Small Team does

[1] The terms validation and verification within this recommendation refer to the current definitions and associated requirements within the RDDS Accuracy Program Specification of the 2024 Registration Accreditation Agreement (RAA). Specifically, validation requirements are defined in Section 1(a) - 1(d) of the RDDS Accuracy Program Specification, and the verification requirements are defined in Section 1(f) of the RDDS Accuracy Program Specification.

[2] "Similarly, when the validation of registrant information such as their phone number of (sic) email takes place during the account creation or before the domain purchase, it has a significant negative coefficient of -1.21 ($p < 0.001$) indicating that it is associated with a 70% decrease in malicious registrations." INFERMAL: Inferential analysis of maliciously registered domains, p. 12.

not necessarily endorse the methodology or conclusions of the INFERMAL study, the Small Team believes the finding regarding the timeline for validation/verification of contact details warrants investigation.

Recommendation 2: The Council Accuracy Small Team recommends the creation of clear and user-friendly educational materials[3] that could be provided before, during, and after domain name registration to assist registrants in understanding (i) the importance of providing and maintaining accurate registration data through the lifecycle of their domain name(s), (ii) how their personal data is processed and protected, and (iii) the consequences of providing inaccurate data or not verifying email/phone under the required timeline. The Small Team does not prescribe how these materials are created, but recommends assembling a diverse and representative group of interested stakeholders to work together on developing the recommended content for the materials.

Rationale: The Small Team believes increased education could lead to improved registrant provision of accurate registration data if registrants have a clear understanding of the importance of providing and maintaining accurate data, including the consequences of not providing accurate data. Additionally, the Small Team believes it is important for registrants to understand details on how their data is processed and protected.

Recommendation 3: The Council Accuracy Small Team recommends further consideration of the Registration Directory Service (RDS) Whois 2 Review Team's outstanding board-approved recommendation CC.1, which provides "The ICANN Board should initiate action intended to ensure that gTLD domain names
suspended due to sustained incorrect WHOIS contact data should be treated as follows:

> (1) The WHOIS record should include a notation that the domain name is suspended due to incorrect data,
> (2) Domain names with this notation should not be unsuspended [by the registrar][4] without [the registrant] correcting the data."

The Small Team does not prescribe how this further work should occur but rather acknowledges that this recommendation is still outstanding and has flagged this for future work.

Rationale: The Small Team notes that the GNSO Council committed to further work on this recommendation in 2020 when further work on accuracy occurs, and the Small Team is ensuring that this recommendation is not lost.

Notes: The Small Team notes that the ultimate implementation of this recommendation will likely require further discussion as RDDS output is standardized, as there is not a current EPP status code to account for this.

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[3] One non-limiting example of user-friendly educational materials the Small Group discussed was crisp, user-friendly pop-ups that occur at the point of domain name registration.
[4] The Small Team added the bracketed text to provide additional clarity.

Recommendation 4: The Council Accuracy Small Team recommends discontinuing further work of the Accuracy Scoping Team in light of the work of this Small Team.

Rationale: The Small Team wishes to thank the Accuracy Scoping Team for its hard work on this topic, which the Small Team considered as a starting point for determining how to undertake its own work. In its review of the SG/C responses to the threshold questions, the Small Team focused on the areas of alignment and proposed the above three recommendations based on those areas. It is important to note that proceeding with the Small Team's recommendations does not foreclose additional scoping work on this topic in the future; however, the Small Team does not recommend proceeding with another scoping team at this time. Instead, the Small Team recommends further scoping efforts be assigned by the GNSO Council to this Small Team or its successor.

Background (How did we get here?)

In 2021, the GNSO Council launched a Registration Data Accuracy Scoping Team and confirmed the instructions to the team, which included, in part:

(1) assess the measures, including proactive measures, used by ICANN Compliance to monitor, measure, enforce and report on the accuracy obligations as specified in the Registry Agreements (RAs) and Registrar Accreditation Agreement (RAA); and

(2) provide recommendations for how accuracy levels can be determined and measured.

The Scoping Team was to use its assessment from assignments 1 and 2 to "undertake an analysis of the accuracy levels measured to assess whether the contractual data accuracy obligations are effective at ensuring that Registered Name Holders provide 'accurate and reliable' contact information". Following this analysis, the Scoping Team was to consider whether changes are needed to improve accuracy levels, and if so, recommend to the GNSO Council how and by whom these changes would need to be developed (for example, through a PDP, contractual amendments, etc.).

The Scoping Team delivered a write-up of the first two assignments, where it proposed three recommendations to the Council. The first two recommendations involved proposals not requiring access to registration data: (i) a voluntary registrar survey and (ii) a registrar audit. The Scoping Team also recommended pausing its work in relation to the proposals that require access to registration data until it is clear whether this would be a viable path. Following its receipt of the Scoping Team's assignment, the GNSO Council wrote to ICANN org on 1 December 2022 regarding, et al., outreach to the European Data Protection Board on potential scenarios for assessing the accuracy of registration data. In October 2023, ICANN org provided an update to the Council, explaining that ICANN "does not have a legitimate purpose that is proportionate, i.e., not outweighed by the privacy rights of the individual data subject(s)

to request Contracted Parties to provide access to individual records as well as bulk access to registration data in order to review the accuracy of registration data". In light of these limitations, ICANN proposed two alternative paths:

1. Reviewing existing ICANN Contractual Compliance RAA Audit Program data; and
2. Engage with contracted parties on current developments with respect to European policy-making.

In 2024, the Council discussed the limitations of both the Scoping Team's recommendations and the options proposed by ICANN org, and the Council noted the complexities around this topic. The Council also noted the importance of the topic to the ICANN community, and in an effort to make progress, Council Leadership proposed a new assignment to seek feedback from SG/Cs on how to best move forward in light of the limitations in accessing data for the purposes of measuring accuracy levels.

Overview and Objectives of Council Assignment to SG/C

In late 2024, Council Leadership proposed a two-pronged assignment to ensure a comprehensive examination of the challenges and potential paths forward related to work on accuracy.

First prong: Council to send legal questions to ICANN org to ensure the Council has up-to-date guidance from ICANN org on regulatory developments that may impact accuracy work.

Second prong: Following receipt of guidance from ICANN org, Council to send a set of threshold questions to SGs/Cs so that the Council understands the important issues, perspectives, and underlying concerns from each group. The threshold questions seek further information on the current state of the problem, the ultimate objective of engaging in further work on this topic, and concrete ideas to make meaningful progress on this topic.

The Council believes this approach will leverage the collective expertise of the interested ICANN groups, allow the Council to easily synthesize the unique perspectives, and ensure comprehensive information is gathered before restarting additional work.

Council Small Team Assignment

The Small Team is tasked to:

- Review the written input received on the Council's threshold questions
- Provide a detailed summary of the input received, taking into consideration the potential other sources that can inform the discussion - i.e. (but not limited to) INFERMAL study, EU NIS2 cooperation group, recommendation CC.1, and provide a recommendation to the Council on how to best make progress on the topic of registration data accuracy, e.g., relaunch scoping

team with updated assignment, request Issues Report, request additional study (including the recommended form and aim of the study), etc.

Summary of Responses

Prong 1: ICANN org response to regulatory questions

Questions to ICANN Org

- *What current and near-term legislative efforts could affect the requirements for registrants to maintain accurate registrant information?*
- *What current and near-term legislative efforts could affect the requirements for contracted parties to maintain accurate registrant information?*
- *Is there any legislation currently implemented or anticipated that could trigger a PDP or EPDP to evolve ICANN policy or contracts related to mandatory accuracy?*

ICANN org noted that NIS2 is the primary new regulatory development on accuracy, and its mandates are largely consistent with ICANN's existing requirements (validation and verification in the RDDS Accuracy Program Specification (RAPS) of the RAA). ICANN org also referenced ongoing work in the EU's NIS Cooperation Group on Article 28 (domain data accuracy) – for example, non-binding guidance recommending both syntactic and operational verification of email/phone for new registrations and renewals, and considering identity verification for natural and legal persons in the future.

In response to current or anticipated legislation that could trigger a PDP or EPDP, ICANN org noted that laws governing the domain name space are always evolving, and new legislation may impact existing practices. However, ICANN did not identify any anticipated legislation that is in direct conflict with ICANN's policies. Lastly, ICANN provided, "[i]t is important to note that while ICANN org plays a key role in supporting policy development, the decision to trigger a Policy Development Process (PDP) or an Expedited Policy Development Process (EPDP) does not rest with the ICANN org itself. Instead, this decision must be carefully considered within the GNSO."

Prong 2: Feedback from ICANN Groups

Threshold Questions to SGs/Cs

- What are concrete and articulable examples of what inaccurate data DOES prevent or inhibit, and how does it do so?
- What are concrete and articulable examples of what inaccurate data does NOT prevent?

- Are there specific stakeholders, industries, or sectors particularly vulnerable to the effects of inaccurate registration data? If so, what are they and why?
- Given the examples provided in response to the three questions above (if any), please articulate a short problem statement for accuracy. The problem statement should consider:
    - What is the current problem or challenge?
    - What are the consequences of this problem or challenge?
    - What is the ultimate objective of working on this problem or challenge?
    - Considering the limitations of data processing, how do you propose to address this problem?
- Is now the appropriate time to address the problem? For example, some stakeholders have mentioned the implementation of NIS2 as an important precursor to understanding new accuracy requirements. Should this or other examples be considered prior to engaging in potential policy work?
- Are the ICANN org alternatives proposals worth exploring, such as:
    - Provision of historical audit data that measures registrars' compliance with accuracy-related provisions in the RAA.
    - Engagement with contracted parties and ccTLD operators on developments in European policymaking regarding registration data accuracy.
- What are the limitations of the ICANN proposals? Why should or should they not be pursued?
- What other possibilities can be explored to move our work on Accuracy forward?

Link to timely full responses:
ALAC
BC
GAC
IPC
ISPCP
NCSG
RrSG
RySG

Link to late response:
SSAC (Note: this response was received after work of the Small Team concluded.)

Question 1: *What are concrete and articulable examples of what inaccurate data DOES prevent or inhibit, and how does it do so?*

All stakeholders recognize that having accurate registration data is desirable for the DNS ecosystem. There were differing opinions, however, on the extent of what inaccurate data may prevent, cause, or inhibit.

Specific examples of what inaccurate data prevents, inhibits, or causes include:

- Where data has not been validated/verified, in some instances, this causes issues with some registry's own verification procedures (RySG)
- Prevents identifying domain owner, which could disrupt their access to domain (RrSG)
- Prevents registrar from sending mandatory notices (RrSG)
- Leads to challenges in Cybersecurity efforts - cybersecurity entities rely on data to track down malicious actors (phishing, malware, abuse) and identify/address abuse reports (IPC, ISPCP, BC)
- Leads to obstacles in IP and brand protection: inaccurate data delays or complicates the process of taking down infringing sites, leading to prolonged unauthorized use (IPC, BC)
- Could cause compliance issues for registrars (IPC)
- Impacts trust and credibility in the DNS (IPC)
- Causes issues when assisting customers with domain-related issues if info is inaccurate (ISPCP)
- Causes victim notification issues (GAC)
- Causes subject attribution issues and identification issues (GAC)

Question 2: *What are concrete and articulable examples of what inaccurate data does NOT prevent?*

Generally speaking, most groups agree that inaccurate does NOT prevent a registrant from using basic functions of a domain name, including email, search engine indexing, or content creation. The RySG and RrSG noted that inaccurate data does not prevent a contracted party from detecting or mitigating DNS abuse. Specific examples cited include:

- Registry's ability to perform core functions related to domain name (RySG)
- Detection and mitigation of DNS abuse (RySG, RrSG)
- Use of the domain name, including email, search engine indexing, content creation (RrSG, ISPCP)
- Contacting account holder (if different) (RySG)
- Learning info re: timing of registration, timing of expiration, identity of registrar (IPC)

Question 4: *Are there specific stakeholders, industries, or sectors particularly vulnerable to the effects of inaccurate registration data? If so, what are they and why?*

In responding to this question, the SGs/Cs identified the following specific stakeholders, industries, and sectors:

- Registries with specific eligibility criteria (RySG)
- Law enforcement (RrSG, IPC, ISPCP, GAC, BC, ALAC)
- Organizations who send bulk unsolicited emails (RrSG)
- Cybersecurity firms (IPC, ISPCP, BC)
- IP Holders (IPC, BC)
- E-Commerce and Online Businesses (IPC, BC)

- Financial Institutions (IPC, ISPCP)
- ISPs (IPC)
- Registrars and Registries (compliance) (IPC)
- Public Safety Agencies (GAC, ALAC)

The BC noted this question is improper because it "assumes that inaccurate information is acceptable unless a vulnerable stakeholder can be identified as being harmed by the inaccuracy."

Question 5: *Given the examples provided in response to the three questions above (if any), please articulate a short problem statement for accuracy. The problem statement should consider:*

- *What is the current problem or challenge?*
- *What are the consequences of this problem or challenge?*
- *What is the ultimate objective of working on this problem or challenge?*
- *Considering the limitations of data processing, how do you propose to address this problem?*

In answering this question, multiple stakeholders noted the need to agree on a clear definition of accuracy: in other words, is accuracy about measuring compliance with the relevant RAA obligations, or is it assessing compliance with another understanding of accuracy?

RySG: The RySG noted it would be helpful, once the definition and understanding of accuracy is agreed upon, to map out the size of the problem through evaluating data. The RySG went on to note that there are very limited circumstances where registration data accuracy impacts registry operators. In the situations where registry operators are impacted, the processes described in the RAA would be sufficient to remedy the impact to registry operators.

RrSG: The RrSG noted that registration data overall is validated and verified to ensure accuracy throughout the lifetime of the domain name. The RrSG went on to note that there are repeated claims about a problem with accuracy or that "most domains have inaccurate data", but these claims are not supported by verifiable evidence. Accordingly, the RrSG believes the true problem is lack of trust in the process to validate and verify accuracy of registration data and contactability of registrants.

The RrSG notes the ultimate objective regarding addressing the question of accuracy is to "maintain the ongoing security and stability of the domain name system by ensuring that processes are in place to require and maintain the accuracy of registration data and the ability to contact the domain owner." In noting this, the RrSG stressed the importance of considering the potential adverse effects on the registrant resulting from the improper disclosure of their personal data.

IPC: The IPC notes that the current problem is that "most registrant data is inaccurate and despite having policies and contractual terms requiring accurate data, these provisions are not being enforced."
The IPC goes on to note the negative effects of inaccurate registration data, including fraud, criminal

activity, infringement, etc.

The IPC notes the “ultimate objective is to have policies and contractual terms requiring registrant data that has been validated, i.e., syntactical, operational, and identify validation.”

In terms of progress, IPC suggests Contracted Parties to adopt voluntary commitments to comply with NIS2 and its accuracy and disclosure requirements. The IPC also suggests that if Contracted Parties are not willing to adopt voluntary commitments to improve the accuracy of registration data, there should be an EPDP “to develop new Consensus Policy that require validated registration data, access to that registration data, and a requirement for registrars to delete domain names from the DNS that have inaccurate data.”

ISPCP: The ISPCP notes having inaccurate and unusable data in a public database “defeats the purpose of having a public database in the first place” and suggests actions focusing on incremental improvements and compliance/regulatory compliance, including:

- Enforce RAA provisions on accuracy (eg 3.7.7.2, 3.7.8 etc) and more generally the RDDS Accuracy Program Certification
- Validate data at registration, check accuracy at registration renewal, with a risk of administrative overhead
- Conduct technical checks and consider coercive measures such as suspension, if necessary
- Consider stronger registrar/registry coordinated effort?
- Promote ‘KYC’ (Know Your customer) on every renewal
- Automatic testing and regular audits to detect inaccuracy

GAC: The GAC notes the challenges related to inaccurate domain registration data, particularly how it inhibits the activities of stakeholders in areas such as law enforcement, cybersecurity, investigations to enforce intellectual property rights, and domain name registration management. The GAC goes on to note the initial objective of working on the challenge of accuracy “should be to assess whether the current practices are effective to ensure accuracy of registration data. This information can then inform GAC and ICANN community discussions about whether any policy development or other steps should be taken to increase the level of accuracy.”

BC: The BC noted this question should be deleted because it “assumes that data processing limitations prevent accurate WHOIS information rather than acknowledging that numerous laws and processes exist across the globe that allow data processing to verify WHOIS.” The BC goes on to note that many ccTLD registries require verification in order to register a domain name and some ccTLD registries employ “know-your-customer” rules and processes.

NCSG: The NCSG noted that the ICANN community has yet to clearly define a problem and notes that any articulated problem involving inaccurate data should be limited to ICANN’s scope: ensuring

registrants are “contactable”. (With this definition, the NCSG does not believe there is a problem.) NCSG goes on to note that registrars might have other uses for registration data, but for ICANN’s purposes, “data is inaccurate if the registrant can't be reached due to errors in their contact details.” The NCSG also notes that imposing stricter accuracy requirements can infringe on registrants' rights. Mandating registrant identification or requiring ID cards, for example, would (i) contradict the principle of respecting anonymity, (ii) negatively impact data protection and global domain access, and (iii) violate data minimization principles.

Question 6: *Is now the appropriate time to address the problem? For example, some stakeholders have mentioned the implementation of NIS2 as an important precursor to understanding new accuracy requirements. Should this or other examples be considered prior to engaging in potential policy work?*

Stakeholder Group	When to start policy work?	Suggested timeframe	Rationale
BC	Immediately	Begin legal framework evaluation immediately since NIS2’s clock is ticking	Accuracy is critical for security and IP enforcement. NIS2 provides a legal basis to act now.
IPC	Immediately	after NIS2 implementation (by end of 2024/early 2025)	
GAC	As soon as possible	start “urgent next steps” now, don’t wait for external factors.	Accuracy is a public safety issue.
ALAC	Only after more research is completed	do study in 2025, then maybe policy 2026 – measured, but not kicking it indefinitely.	Need data on existing verification practices before starting policy work.
RrSG	No need for policy changes yet	wait for local laws like NIS2 to be implemented before any further policy.	Current accuracy requirements are sufficient. ICANN should first measure accuracy levels.
RySG	No need for policy changes yet	wait until NIS2 is fully adopted by EU states (which might be later in 2025).	Data accuracy or inaccuracy does not impact the registry’s ability to perform the core functions.
NCSG	Strongly opposes rushing into policy work	No rush b/c accuracy is not a large or significant problem	New policies need to consider privacy rights. Focus should be on enforcement, not new rules.
ISPCP	Supports improvement but		Evidence-based policymaking is essential. More studies

	favours gradual approach		needed before drafting policies.

Question 7: *Are the ICANN org alternatives proposals worth exploring, such as:*

- *Provision of historical audit data that measures registrars' compliance with accuracy-related provisions in the RAA.*
- *Engagement with contracted parties and ccTLD operators on developments in European policymaking regarding registration data accuracy.*

BC: The BC supports the two alternative approaches from ICANN org (review audit information and consultations with EU ccTLDs) but recommends these run in parallel with other work. The BC goes on to suggest additional data gathering, such as conducting a survey on the changes made by the contracted parties to RDRS [note: Is this RDRS or RDDS?] in response to NIS2. The BC notes, in particular, a survey on "the availability and accuracy of legal persons should be possible, since such data is required to be publicly available by NIS2's Article 28."

GAC: The GAC generally supports the proposals from ICANN. The notes that historical audit data regarding registrars' compliance with the RAA's accuracy-related provisions may prove useful, though this is likely incomplete for a well-informed discussion about next steps regarding data accuracy. The GAC also supports engagement with contracted parties, ccTLD operators, and other relevant stakeholders who could share good practices in relation to registration data accuracy. GAC members from the EU can refer to the recently published recommendations of the NIS Cooperation Group as an example on this matter.

ISPCP: The ISPCP considers both proposals worth considering, particularly the cooperation with ccTLD operators that may have already considered compliance with NIS2 related to data accuracy. The ISPCP also notes the group could consider A/I or M/L tools.

RrSG: The RrSG does not believe these proposals are worthwhile at this time. Regarding ccTLD outreach, the RrSG cautions applying limited ccTLD measures (which can work for a particular jurisdiction with unified identification/address systems) to the gTLD landscape, and the RrSG also notes that some ccTLDs have high rates of abuse despite strict identification systems.

RySG: The RySG is open to exploring different options but is not sure that historical audit data will provide value. The RySG notes an audit of registrar's compliance with existing accuracy obligations may be beneficial as a way of measuring the efficiency of existing practice without having to access registrant data directly. The RySG also notes that engagement with contracted parties and ccTLD operators on accuracy is already occurring regularly, including at recent ICANN meetings.

Question 8: *What are the limitations of the ICANN proposals? Why should or should they not be pursued?*

Question 9: *What other possibilities can be explored to move our work on Accuracy forward?*

ALAC recommends a third-party expert study to be commissioned to survey:

- Registrant data verification business practices employed by both gTLDs and ccTLDs entities providing domain name registration services (registries, registrars, resellers, privacy/proxy providers), including both pre and post registration safeguards, e.g. initial registration, renewal, transfer, etc.
- Changes that gTLDs and ccTLDs entities providing domain name registration services (registries, registrars, resellers, privacy/proxy providers) in the European market have undertaken in their business practices to comply with NIS 2.0 requirements.
- Consultation with all stakeholders within the ICANN community to account for their concerns and/or perspectives.

ISPCP: The group could consider

- improvement to standardized formats for WHOIS data to ensure consistency and ease of verification across registrars;
- partnerships between registrars and law enforcement to facilitate the reporting and resolution of abuse cases linked to inaccurate data; or
- feedback mechanisms to allow users to report inaccuracies in WHOIS data, with a process for timely resolution.

GAC: The GAC also welcomes any steps to provide other information that will assist the GAC and the ICANN community in holding productive, evidence-based discussions about possible next steps on registration data accuracy. Such ideas could involve some wider awareness raising in the importance of data accuracy for all those involved in domain registration.

RrSG: Efforts regarding registration data accuracy should focus on two areas: first, education of the registrant so they understand why their data is required, what is done with their data, and how it is protected, which will lead to improved willingness to provide accurate data. Second, correspondingly, these efforts should provide requirements for protection of that personal data by both the registrar and any third party data recipients.

In reviewing the responses from SG/Cs, the Small Team observed the following high-level alignment and divergence in the responses to the threshold questions:

High-level Alignment of Alignment/Divergence in Responses