ICANN | GAC

Governmental Advisory Committee

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Governmental Advisory Committee Input on GNSO Council Questions regarding Domain Registration Data Accuracy

This GAC input in provided to the GNSO Council in response to its request for the GAC to consider the "threshold questions" listed in the Concept Proposal: Structured SG Assignments for Addressing Accuracy Scoping Team Recommendations and Way Forward (12 September 2024)

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

Regarding the importance of accurate registration data, the GAC's ICANN79 Communiqué stated, "The GAC reiterates that registration data accuracy is an important element in law enforcement, cybersecurity, investigations to enforce Intellectual Property Rights, domain name registration management, and other legitimate third-party interests. At the same time, any changes to accuracy policy at ICANN should strive to balance the various interests involved, including those of registrants with enhanced privacy needs."[1]

As concrete and articulable examples, inaccurate registration data can inhibit efforts by law enforcement or other relevant entities to perform victim notification or subject attribution, as described below:

- Victim Notification: Law enforcement and cybersecurity practitioners may sometimes identify domain names associated with potential victims of ongoing criminal schemes and have a limited time window to notify the potential victims of imminent harm. When registration data such as a telephone number or physical address is inaccurate, the ability to conduct these victim notifications is adversely impacted.
- Subject Attribution: Law enforcement and public safety agencies may sometimes identify domain names suspected of belonging to subjects of ongoing criminal investigations. After spending time and resources to obtain lawful access to registration data, if that data is inaccurate, additional time and resources must be spent to independently identify those subjects, which inhibits the ability of public safety agencies to apply consequences to criminal behavior.

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[1] https://gac.icann.org/contentMigrated/icann79-san-juan-communique

A very concrete example of the effect of introducing measures to ensure accurate registration data was presented by .dk at the ICANN64 meeting in Kobe[2]. .dk mentioned that the validation of registration data had resulted in a reduction from 6.73% to 0.12% in the proportion of webshops suspected of intellectual property rights infringement in relation to the total number of webshops in the .dk zone during the period from November 2017 until June 2018 which is a benefit for consumers and holders of intellectual property right.

There is also (perhaps less measurable) the issue of credibility; to many users of the Internet trust is potentially eroded where absurd names are given for registrants or where contact details are equally laughable.

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

As noted above, the GAC believes registration data accuracy is an important element for a range of legitimate purposes.

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

As noted above, the GAC has identified law enforcement, cybersecurity (including protection of critical infrastructure), investigations to enforce intellectual property rights, and domain name registration management as among the legitimate purposes supported by accurate registration data. Inaccurate data may inhibit the activities of stakeholders in these areas. Therefore, law enforcement, public safety agencies, and agencies with similar missions are particularly impacted by the effects of inaccurate registration data.

4. **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:**
   a. **What is the current problem or challenge?**
   b. **What are the consequences of this problem or challenge? o What is the ultimate objective of working on this problem or challenge?**
   c. **Considering the limitations of data processing, how do you propose to address this problem?**

Inaccurate domain registration data can inhibit the activities of stakeholders in areas such as law enforcement, cybersecurity, investigations to enforce intellectual property rights, and domain name registration management. The initial objective of working on this challenge 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. The GAC welcomes any ideas that may overcome limitations on data processing to enable an assessment of how much gTLD registration data is operationally and syntactically accurate.

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[2] Lessons learned: How .DK successfully reduced abusive domains (ICANN64, 13 March 2019)
https://archive.icann.org/meetings/icann64/meetings/2aNZoLSuk4meqsBLz.html

5. **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?**

The GAC believes now is the appropriate time for urgent next steps at ICANN regarding registration data accuracy, and that consideration of next steps should not wait for any factors external to ICANN. As stated in the GAC's ICANN81 Communiqué stated, "The GAC stresses the importance of resuming work on accuracy as soon as possible."[3]

6. **Are the ICANN org alternative proposals worth exploring, such as:**
   a. **Provision of historical audit data that measures registrars' compliance with accuracy-related provisions in the RAA.**
   b. **Engagement with contracted parties and ccTLD operators on developments in European policy-making regarding registration data accuracy.**

At the current stage, historical audit data regarding registrars' compliance with the RAA's accuracy-related provisions may prove useful, though other information will also be necessary to ensure well-informed discussions about next steps regarding data accuracy. The GAC also supports engagement with CPs, ccTLDs and any other stakeholder who could share good practices in relation to registration data accuracy. The GAC members from the European Union can refer to the recently published recommendations of the NIS Cooperation Group as an example on this matter[4].

7. **What are the limitations of the ICANN proposals? Why should or should they not be pursued?**

See response to question number 6.

8. **What other possibilities can be explored to move our work on Accuracy forward?**

The GAC welcomes any ideas that may allow for an assessment of the effectiveness of the existing practices to ensure accuracy of registration data. 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.

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[3] https://gac.icann.org/contentMigrated/icann81-istanbul-communique
[4] See: https://ec.europa.eu/newsroom/dae/redirection/document/108437