

# ICANN | GAC

Governmental Advisory Committee

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## Governmental Advisory Committee Comment on the Second Security, Stability, and Resiliency (SSR2) Review Team Draft Report

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### Introduction

The GAC welcomes the work done by the SSR2 Review team since March 2017, and the submission of its [draft report for public comments](#) on 24 January 2020. **The GAC attributes great importance to the security, stability and resilience of the DNS** in particular and welcomes the opportunity to provide input.

Our comment focuses on the following important topics:

1. General views on the review exercise;
2. Combatting DNS Abuse;
3. Evidence-Based Policy Development;
4. Contract Compliance;
5. New initiatives.

### 1) General views on the review exercise

The GAC reiterates its **strong commitment to specific reviews**, including to this review of how effectively ICANN is meeting its commitment to enhance the operational stability, reliability, resiliency, security and global interoperability of the systems/processes (internal/external) that affect the Internet's unique identifiers.

The GAC welcomes the endorsement of many of the Competition, Consumer Trust and Consumer Choice Review (CCT Review) and Registration Directory Service Review (RDS-WHOIS2 Review) findings and Recommendations. The independent endorsement by three separate cross-community review teams of the same recommendations should be viewed as a strong incentive for swift action. At the same time, the need to repeat identical recommendations or endorsements thereof, shows a mounting concern regarding the state of their implementation. This in turn raises important questions about the challenges for the implementation of ICANN's accountability measures and the challenges for the ICANN Board to act in the context of Specific Reviews mandated by the ICANN Bylaws.<sup>1</sup>

The GAC notes that the draft report raises particular concerns about implementation of advice from the SSAC, GAC and Security Experts, especially the GAC Advice concerning Specification 11 of the 2013 Registry Agreement. The GAC

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<sup>1</sup> In addition, it is worth recalling that, as highlighted most recently in the [GAC Montreal Communiqué](#) (6 November 2019), the GAC holds that no new round of gTLDs should be launched until after the successful implementation of those recommendations that were identified by the CCT Review Team as necessary prior to any subsequent rounds of new gTLDs.

highlights its concern about the apparent lack of effectiveness of Review Team recommendations in general to effect change, and calls on the SSR2 Review Team to formulate specific and actionable recommendations, which could, if accepted, be acted upon without delay. In this context, the GAC **welcomes the level of detail and specificity** of the recommendations set out in the SSR2 Draft Report.

The GAC also notes the SSR2 Review Team's findings concerning the 28 SSR1 Review recommendations, out of which none were implemented in full, and 27 recommendations remain relevant. In this regard, the report could provide a **more detailed assessment clarifying the reasons why the SSR1 recommendations are deemed to not have been fully implemented**. This would be also relevant due to the large number of recommendations especially if take into account both the SSR1 and SSR2 recommendations (combined, they amount to 53 main recommendations and this number is even higher if we take each specific item of the SSR2 report into consideration).

## 2) Combatting DNS Abuse

The GAC welcomes **Recommendation 11** on efforts to implement current community vetted definitions of DNS Abuse without delay and the need to ensure that definitions evolve to meet continuing threats, in the context of efforts aimed at finding a more effective approach to address DNS Abuse, including with the GAC's support through its advice, comments, and correspondence. Although the GAC shares the overall goal of achieving clarity and consistency with regard to the definition of DNS Abuse and Security Threats, it is not quite clear how the different processes suggested in **Recommendations 11.1, 11.3 and 11.4** should interrelate. The GAC therefore invites the Review Team to consider, in view of existing procedures and rules, how this goal can be best achieved.

## 3) Evidence-Based Policy Development

The GAC welcomes **Recommendations 10 and 14**, which aim to provide better data and enable more rigorous analysis. In this regard, the GAC highlights its **commitment to evidence-based policy development** and welcomes efforts to institute **more systematic monitoring and evaluation of existing policy**. Such efforts could include data gathering and surveys to provide a factual basis that can inform compliance exercises mandated by ICANN agreements and community decision-making processes. Monitoring the accuracy of domain registration information and preserving and improving access to Domain Name Registration Data is also very important because these processes support a variety of law enforcement and consumer protection activities that protect the public. Establishing a framework of performance metrics can enhance compliance of Registries and Registrars, while also providing data on the gaps for example with regard to inaccuracy of the WHOIS database.

In this context, we also welcome **Recommendations 13 and 19**, which encourage the collection of data on mitigating abuse to improve Domain Abuse Activity Reporting (DAAR) in order to improve both measurement and reporting of domain abuse. Most importantly, the GAC supports the suggestion that ICANN org should publish DAAR reports identifying Registries and Registrars whose domains most contribute to abuse according to the DAAR methodology. If - as ICANN executive leadership asserted in the Cancun public forum<sup>2</sup> - only eight to ten parties are responsible for the majority of the most egregious abuse, the GAC would suggest a productive first step would be to *name* them. The GAC welcomes the recommendation that ICANN org should make the source data for DAAR available through the ICANN Open Data Initiative. In this regard, the use of 'stale data' (for example 30 days-old data) might be considered if concerns (e.g. licensing prohibitions) exist regarding the further sharing of real-time granular data.

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<sup>2</sup> See recording and transcript (p.15) of the ICANN67 Public Forum 2 at: <https://67.schedule.icann.org/meetings/1152531>

#### 4) Contract Compliance

The GAC welcomes proposals for specific mechanisms as set out in **Recommendations 10.3, 15.1, 15.2 and 16** to incentivize **a comprehensive and effective response to DNS Abuse**. The GAC has historically taken a strong interest in Registry and Registrar contractual compliance enforcement concerning WHOIS obligations, as well as other elements that affect abuse and security (*See e.g.*, GAC Hyderabad and Copenhagen Communiqués<sup>3</sup>). Furthermore, the GAC has held regular exchanges with the ICANN Compliance Team, in writing and at its plenary meetings, in an effort to **strengthen compliance mechanisms**.

The GAC also agrees with **Recommendation 10.4** on implementing the EPDP policy recommendations within 1 year. In this regard, the GAC advice provided in the [Montreal Communiqué](#) (6 November 2019) advising ICANN org to ensure that the current system that requires ‘reasonable access’ to non-public domain name registration data is operating effectively, and the GAC’s prior advice<sup>4</sup> to swiftly find a solution ensuring timely access to such data should also be taken into account by the ICANN Board.

The GAC invites the Review Team to **consider the articulation between various Recommendations** and to clarify how, for example, **Recommendations 10.3, 15.1, 15.2, 15.4 and 16**, which all propose changes to the contractual framework between ICANN and its Contracted Parties, should work together and be taken forward.

The GAC also notes the report’s findings that implementation of [Specification 11\(3\)\(b\) of the New gTLD Registry Agreement by Registries](#) has fallen short of its promise to provide statistical data on the association of security threats to Registries. On 3 January 2020, ICANN org announced a [proposed amendment of the .COM Registry Agreement](#) which would extend to two-thirds of the gTLD namespace provisions to facilitate the detection and reporting of DNS Abuse (including Specification 11 3b), which so far had only been applicable to New gTLDs. While we welcome the .com Registry’s adoption of Specification 11(3)(b) and other provisions aimed at combatting DNS abuse, we still highlight that more effort is needed from ICANN org to ensure compliance of Registries with the requirements of conducting analysis and collecting data on abusive activity, as well as the publishing of transparency reports showing the effectiveness of these measures on the levels of DNS abuse in this space.

#### 5) New initiatives

Finally, the GAC welcomes the fact that several recommendations dovetail with priorities the GAC has endorsed<sup>5</sup> for its Public Safety Working Group, such as the inclusion of ccTLDs in DNS Abuse mitigation efforts and the investigation of the security implications of DNS encryption technologies (**Recommendations 15, 17, 29 and 31**). The GAC invites the Review Team to consider how the work of the PSWG and other parts of the ICANN community could contribute to these efforts.

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<sup>3</sup> See [GAC Scorecard](#) (30 May 2017) following Advice in the [Hyderabad](#) and [Copenhagen](#) Communiqués.

<sup>4</sup> See e.g., [GAC Kobe Communiqué](#) (14 March 2019).

<sup>5</sup> See [PSWG Work Plan 2020-2021](#) endorsed by the GAC during ICANN67