Insights | Collaboration | Advocacy

April 25, 2012

Mr. Rod Beckstrom
President and Chief Executive Officer
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina del Ray, CA 90292-6601

Dear Mr. Beckstrom:

I am writing to express ANA's major concerns regarding the system vulnerability that has prompted ICANN to take its Top Level Domain Application System (TAS) offline. It appears that the vulnerability may have enabled some applicants to see the filenames and user names of other applicants. The filename itself could provide sufficient information to reveal the domain name for which another party was making an application. This might provide an unfair advantage to some applicants. What other serious potential harms may also have occurred is still far from clear.

I also write to obtain additional information about the nature of the problem and the steps ICANN is taking to remedy it. We appreciate the information that ICANN has released, including the video interview posted online featuring ICANN's Chief Security Officer Jeff Moss, but we believe the video and ICANN's supplemental online statements thus far raise far more questions than they answer.

The situation is very troubling. ICANN repeatedly has maintained, despite the protests of a broad spectrum of Internet stakeholders, that it was essential that a virtually unlimited expansion of the domain name registries go forward immediately, thus creating a self-imposed artificial deadline. Yet ICANN itself has now totally suspended the application process due to this current system failure. It is obvious that this problem must be of a very critical nature – otherwise, ICANN surely would not have injected this type of delay into its rigid timetable.

Because of the need to ensure complete confidence in the Internet governance system and in keeping with the Affirmation of Commitments into which ICANN entered with the Department of Commerce, ANA believes that an independent evaluation of the system vulnerability by a neutral third-party IT expert(s) would help to reassure all key stakeholders that the problem is being identified, corrected, and adequate safeguards are in place to lessen the risk of a recurrence. We urge you to arrange for such an evaluation to be undertaken as soon as possible.

The good faith reliance of Internet stakeholders depends on greater transparency, more information, and independent reassurances that ICANN is rapidly and effectively correcting this problem.

At the very least, ICANN should provide detailed information in response to the following key questions:

1. Some applicants claim they uploaded files with names containing their desired global top-level domain names; did the system vulnerability enable any applicants to obtain any marketplace data that was superior to that available to other applicants? If so, describe the nature of the confidential data that the applicants inadvertently had access to.

2. Some applicants have apparently claimed to have reported the vulnerability to ICANN six days before the system was shut down. Other press reports indicate that the first sign of trouble was reported to ICANN as early as March 19, yet the system was not halted until April 12. Please provide us with a full chronology of the incident, including the number of inappropriate file name viewings that occurred each day that the TAS System was kept online.

3. What type of vulnerability or coding error in ICANN's system caused this incident?

4. ICANN has said that it has the capability to identify the scope of the vulnerability, and the number of parties involved. How broad was the problem, and how many parties were involved?

5. Do you have a full list of file names exposed to the wrong applicant? If so, can you draw any conclusions about the information exposed?

6. ICANN's system malfunction calls into question its ability to oversee a roll-out of a vastly increased number of domain names and secondary domains. What further steps is ICANN taking to lessen the likelihood of future system errors, not only for the application process, but also for the whole of the Top Level Domain system?

7. ICANN has described this circumstance as a "glitch." Doesn't this situation demonstrate the need for a pilot project/test roll-out of the new Top Level Domain process to resolve any such problems before a major rollout? If not, why not?

8. Does ICANN employ a sufficiently experienced and large enough number of technical Internet security staff to oversee a vast expansion of top-level domain names? If not, shouldn't any such expansion at least await the hiring of such employees?

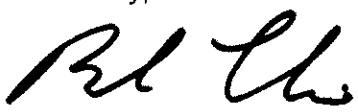
9. ICANN has said that it is "taking steps to improve system performance when the system reopens, and sifting through the data" so that it can notify applicants whether they have been affected. What is your timetable and mechanism for that notification?

10. A consistent complaint among stakeholders is that there is little transparency in ICANN's operations. This situation appears to be another example where more timely information would be helpful to stakeholders. Why has ICANN released so little information about this situation to date?

Finally, we remain concerned that there still has not been any specific response to the issues raised by many stakeholders in regard to the problem of defensive registrations. We have not yet heard whether ICANN would be willing to adopt a "Do Not Sell" proposal or some similar approach as we set forth in our reply comments of March 20, 2012. It is our belief that some of the difficulties ICANN is encountering with the TLD application window – apart from the security vulnerability – such as dealing with an enormous number of applications and the batching issue, can be alleviated by our proposal. We hope to hear from ICANN soon on the viability of our "Do Not Sell" proposal, especially considering the concerns held by stakeholders in regard to these issues once second level domains begin to proliferate with the increase of top level domains.

ANA and its members – indeed, all Internet stakeholders – await receipt of additional information from ICANN.

Sincerely,



Robert D. Liodice
President & CEO