November 21, 2013

Dr. Stephen Crocker
Chair, Board of Directors
Internet Corporation for Assigned Names and Numbers

Mr. Fadi Chehadé
President and CEO
Internet Corporation for Assigned Names and Numbers

Mr. Cherine Chalaby
Chair, Board New gTLD Program Committee
Internet Corporation for Assigned Names and Numbers

Dear ICANN Board of Directors:

The undersigned are grateful that the Board's New gTLD Program Committee[1] recognized the importance of avoiding domain name collisions and made the decision to conduct a further in-depth study when it approved ICANN's *Collision Occurrence Management* proposal on 7-October-2013.

However, it is important to note that this plan includes new elements that the ICANN Community had not previously been afforded the opportunity to review or comment upon. Therefore, the undersigned companies and organizations respectfully call on ICANN to engage the community in implementation decisions regarding ICANN's latest proposal to manage collisions between new gTLDs and private uses of the same strings.

We have serious concerns about the security and stability implications of new gTLD name collisions. We appreciate the continued focus on these issues and the opportunity we have had during the Buenos Aires ICANN meeting to discuss the proposed mitigation plan with ICANN staff and JAS Global Advisors. In addition to continued studies, we strongly urge ICANN to prioritize engaging with the community to develop detailed, flexible, and well-funded outreach to increase awareness and to suggest remediation strategies for affected parties.

In the attachment to this letter, we are submitting five specific recommendations to strengthen the name collision mitigation plan. We look forward to working collaboratively with ICANN as it proceeds with refinement and implementation of the plan.

Signatories:

Jonathan Zuck   Brent Thompson
President   VP, Government and Corporate Affairs
Association for Competitive Technologies   Expedia, Inc.

Stefan Elfving   Göran Husman
Volume Category Manager   CEO, Human Data Sweden
Hewlett Packard Enterprise Group

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[1]NGPC Resolution for Addressing the Consequences of Name Collisions, 7-October-2013, at
http://www.icann.org/en/news/announcements/announcement-08oct13-en.htm

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Areas Requiring Further Input from the Community and Potentially Affected Parties

ICANN's *Collision Occurrence Management* proposal includes five areas where further input from the community and from potentially affected parties is required[2]:

1. **High Risk Names**: *"Based on the analysis of frequency of occurrence and the perceived severity of impact, ICANN will defer delegating .home and .corp indefinitely. ICANN will collaborate with the technical and security community to continue to study the issues presented by these strings."*

   The undersigned note that the two strings identified as "high risk" were so classified as a result of queries identified by the "Day in the Life" (DITL) dataset. We believe that the limited DITL dataset alone is not a sufficiently accurate measure of potential collisions and that any reasonable analysis must include additional datasets. For example, Google's analysis of data from recursive DNS showed that **.mail** has the highest risk of collisions of any new TLD string. [3] Accordingly, ICANN should proceed with further study to refine its risk assessment of other potential collisions.

2. **Collision Occurrence Management Framework**: *"ICANN will commission a study to develop a name collision occurrence management framework. The framework will include appropriate parameters and processes to assess both probability and severity of impact resulting from name collision occurrences…. The proposed name collision management framework will be made available for public comment."*

   The undersigned believe the community must be afforded an opportunity to contribute to defining the "appropriate parameters and processes" referenced in the Collision Occurrence Management Framework. Consistent with ICANN's transparency and bottom up policy obligations, the ICANN community should be permitted to engage now to inform what goes into the framework – before it is developed – rather than waiting until a "proposed final draft" is published for public comment. We are reviewing the framework and will submit comments which incorporate input based on the recent SSAC Advisory Concerning the Mitigation of Name Collision Risk (SAC062).

3. **Process for Impacted Parties to Request Blocking**: *"It is possible that name collision occurrences of some second level labels that did not appear in the study dataset might occur after the applied for gTLD begins operations. ICANN and the registry operator shall implement a process to enable the affected parties to report and request the blocking of a domain name (SLD) that causes demonstrably severe harm as a consequence of name collision occurrences."*

   ICANN should collect further data from the Community to confirm that the proposed remedy of blocking at the second level will in fact stop the vast majority of potential collisions from occurring. Assuming the data confirm that the blocking remedy will be effective, any blocking request process for impacted parties should be developed on an expedited basis and not while new gTLDs are being delegated. Potentially affected parties should have an opportunity to provide input into the process by which they will have to request blocking. Importantly, the

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[2] New gTLD Collision Occurrence Management, 4-October-2013, at
http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-1-07oct13-en.pdf

[3] p. 17, Google's Reply to ICANN's Proposal to Mitigate Name Collision Risks, 17-September-2013,
http://forum.icann.org/lists/comments-name-collision-05aug13/msg00072.html

SSAC Advisory recognizes that if a SLD is disrupting networks or causing other significant impact, it may be necessary for rapid blocking of that SLD.

Now is the time for ICANN to solicit community input on the criteria used to determine whether harm caused by unmitigated collisions is sufficient to meet the standard of "demonstrably severe harm".

The community should also contribute to discussions about the extent to which affected parties must demonstrate that they have undertaken good faith efforts to mitigate collisions in their own computing environment before requesting these additional SLD blocks. And TLD operators will want to thoroughly understand this new blocking request mechanism so they can inform potential SLD registrants of the possibility that their SLD might not be resolvable for some period of time.

4. **Alternate Path to Delegation**: *"ICANN will develop a list of labels to be blocked at the second level under the TLD, and then determine whether the proposed TLD is eligible for this option to delegation. This list will be made publicly available and will consist of all the second-level labels that appeared in DNS requests to the applied-for TLD in the DITL and other relevant datasets.*

As noted above, we are concerned that the "Alternate Path to Delegation" in Section 3.3 of the Collision Occurrence Management Plan is untested and was not subject to public consideration before it was approved by the NGPC. We are reviewing this aspect of the plan and will submit comments.

While the risk mitigation framework indicates that ICANN will not rely solely on the limited DITL dataset, there is not enough detail in the proposal to understand how ICANN will request or rely upon "other relevant datasets". Moreover, as industry analysis of the alternate path is beginning to show, it is questionable whether the DITL data or any relevant dataset based on past, limited point-in-time sampling can be effective at detecting the actual scope of DNS queries that could put impacted parties at risk.

The risk mitigation framework also should include steps recommended by ICANN's Stability and Security Advisory Committee (SSAC)[4] and otherwise accepted by ICANN in committing to implement a robust Name Collision Management Framework.

According to ICANN's November 17, 2013 announcement[5] and publication of SLD block lists, twenty-five (25) applied-for strings have been ruled ineligible for the Alternate Path. The

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[4] Since 2009, ICANN has received analysis and recommendations – from ICANN's own Security and Stability Advisory Committee (SSAC) – regarding the security, stability and resiliency impacts of its new gTLD program. ICANN's most recent mitigation plan for name collisions promises to implement some of the SSAC recommendations, such as forewarning end users of potential name collisions under the outreach plan. However, ICANN's commitment to address other SSAC recommendations is less clear. For example, SSAC has twice called for "interdisciplinary studies" to be conducted prior to the launch of any new gTLDs yet the 4-October proposal does not address this recommendation. Similarly, SSAC has consistently stressed the need to instrument and monitor the root server system but the 4-October proposal does not identify any tangible steps for implementation of this critical recommendation. We also note that the SSAC has issued a new advisory (SAC062) on the name collision issue.

[5] ICANN's Reports for Alternate Path to Delegation Published, 17 November 2013 at: http://newgtlds.icann.org/en/announcements-and-media/announcement-2-17nov13-en

specific criteria used by ICANN to establish the threshold for eligibility/ineligibility are not fully defined in the announcement nor have they been made available for review by stakeholders.

We are further concerned that ICANN is allowing new gTLDs to be delegated without first conducting the in-depth qualitative analysis it has agreed to do. This implies that TLD operators alone can self-select their collision risk management plan.

5. **Outreach Campaign***: "ICANN will develop an outreach campaign to (1) make the public as well as private network operators aware of the possibility of name collision occurrences; (2) advise users and private network operators of the measures that ICANN and new TLD registries will take to minimize the potential for unintended consequences or harm; (3) assist users, private network operators, and software or equipment manufacturers with the identification of causes of collisions, and (4) ICANN will invite and collaborate with other parties and members of the community that share a common interest in identifying strategies for eliminating or managing name collision causes from their networks."*

The undersigned look forward to collaborating with ICANN and new gTLD registry operators to help develop an effective outreach campaign. Potentially affected parties are broader than 'network operators', since there is no single term that identifies parties who maintain networks, devices and systems that may be affected by name collisions. The impact of domain name collisions will be global and include developed and developing regions, including Latin America, Africa, and Asia, where there is less awareness of ICANN, the new gTLD program and the name collision issue.

Simply sending an 'alert' that something may happen is <u>not</u> enough to meet ICANN's responsibility as the trusted steward of the DNS. ICANN must further develop, take public comment, and then execute on the outreach plan <u>before</u> any name collisions occur. ICANN must take all reasonable steps to conduct the outreach campaign as quickly and comprehensively as possible. We understand ICANN is commencing work on a proactive communication plan, and we look forward to contributing to the development of materials and implementation of the plan.