

## eNACSO Comments on Proposed Amendments to the .COM Registry Agreement

The European NGO Alliance for Child safety online - eNACSO is a network dedicated to making the Internet and associated technologies better and safer for children and young people. eNACSO promotes and supports advocacy actions at national, European and international levels. Its work is based on the 1989 UN Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography. eNACSO comprises 19 leading children's rights and child protection NGOs from across the European Union and five from non-EU Member States.

We are grateful for the opportunity to respond to the **consultation** on the extension of the .com Registry Agreement.

We strongly believe that ICANN should not renew the contract with Verisign on its present terms. On the contrary we think ICANN should use this opportunity to press forward with and insist upon much needed improvements to the way .com appears to have worked up to now.

The promise to renegotiate aspects of the current contract after it has been awarded seems too vague to be relied upon. It contains no unavoidable commitment to progressive change. Moreover, since the end of the current contract has been known for some time it seems rather odd that such a proposal is being made in the first place. ICANN's leverage will drop dramatically once the extension is granted. Why couldn't these negotiations have happened before the time expired?

At the very least, if there is now too little time to agree on substantive amendments to improve the contract, a period shorter than 8 years should be put in place so as to allow for negotiations to take place prior to concluding a longer term agreement. This would also give other companies time to prepare bids to take over .com should discussions with Verisign fail to reach a satisfactory conclusion.

We make these points based on the fact that, in terms of activity which can be linked to specific domains, .com continues to be the single largest source of criminal behaviour online that is putting children at risk.

At its meeting in July, 2016, the Lanzarote Committee of the Council of Europe voiced its concern about failings on the part of the domain name system in relation to the part it was playing in the propagation of child abuse images. This echoed an earlier declaration by the Council of Ministers made in June, 2015.

The British Internet Watch Foundation receives information from the public about child abuse images found on the internet. Its 2009 **Annual Report** showed (page 18) that 41% of all the reports it received came from web addresses within the .com domain. The 2015 **Annual Report** (page 10) identified five tlds as the location of 91% of all such reported illegal images. IWF subsequently confirmed that 42% of the total was attributable to domains within .com

Dr Paul Watters analysed piracy web sites that were targeted at the following countries: Brazil, Canada, Hong Kong, Indonesia, Malaysia, New Zealand, Philippines, Singapore and Vietnam. In every instance .com was the domain most commonly used by the pirates and in the cases of Canada, Indonesia, Malaysia, New Zealand Philippines, Singapore and Vietnam .com accounted for around two-thirds of all piracy sites targeting those countries.

Piracy sites are important in the context of online child protection not least because they have repeatedly been shown to attract large numbers of children and young people into very unsuitable environments which, aside from encouraging young people to engage directly in unlawful conduct, are typically also riddled with explicit adult content including for prostitution services as well as malware and other highly undesirable downloads of which youngsters may have little knowledge.

Finally we note that, elsewhere in the ICANN universe, specifically in respect of new gTLDs, the Registry Agreements increasingly contain quite detailed requirements, for example with regard to verifying the true identities and bona fides of registrants. The new . com agreement should mirror these. Failure to do so will mean there is no level playing field and no contract uniformity. Verisign will be allowed to escape a layer of costs and responsibilities others are obliged to carry. That cannot be right.

Verisign's egregious disinterest in or indolence towards tackling these problems hitherto hardly warrants them being rewarded by being allowed to continue the same lamentable regime.

Yours sincerely,

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