

## Registration Abuse Policies Workshop

### Introduction

Marika Konings, Policy Director



## Background

- Resolution adopted by GNSO Council on 25 September to request an Issues Report with respect to the following:
  1. Identity and describe provisions in gTLD registry agreements relating to ability to take action in response to abuse
  2. Identify provisions in representative sample of gTLD registration agreements relating to abuse
  3. Identify previous discussions in ICANN fora relating to provisions of this nature in any of these agreements
  4. Determine which aspects of registration abuse policies may be within scope of GNSO Policy development

2

## Findings of Issues Report

- Findings of report
  - No uniform approach by registries / registrars to address abuse
  - No universally accepted definition of what constitutes abuse
  - Many registry agreements explicitly allow registries to take down or terminate domain names for abuse at the companies' discretion
  - There are a number of registries that do not have any provisions that deal with abuse, however does not necessarily mean they do not address abuse
  - Further research would be needed to determine if and how abuse is dealt with, how abuse provisions are implemented and adhered to, and whether they are deemed effective in addressing abuse

3

## In addition

- The request for Issues Report did not raise a specific policy issue or question
- It is unclear from the limited research conducted in the context of the Issues Report whether more uniformity in provisions might be necessary to facilitate the technical reliability and/or operational stability of the Internet
- Definition questions: what is registration abuse vs. domain name use abuse?

4

## Follow up to Issues Report

- GNSO Council reviewed the report and created a drafting team to develop a charter for a WG to consider the questions raised by the Issues Report
- Charter developed by drafting team and adopted by GNSO Council on 19 Feb
- WG to gather facts, define terms, provide the appropriate focus and definition of the policy issue(s), if any, to be addressed for GNSO Council to make an informed decision on whether to launch a PDP

5

## SSAC Invitation

- SSAC has been studying how domain name related abuses are handled
- Considers a distinct reporting channel desirable
- Specific guidance would be needed on how abuse reports should be handled
- Proposes that this guidance is developed as part of a collaborative effort with participation of representatives of GNSO Constituencies, and especially, the Registration Abuse Policies Working Group

6



## Tasks of the Working Group

- Scope and definition of registration abuse – distinct from abuse arising solely from use of a domain name
- Additional research and identifying concrete policy issues
- SSAC participation and collaboration
- Workshop at ICANN meeting in Mexico City on Registration Abuse Policies to get broad input on and understanding of the specific nature of concerns from community stakeholders

7

## Registration Abuse Definition

Margie Milam, Senior Policy Counselor



8

## Background

- “Consensus policies” that are binding on Registries / Registrars can be created on a set of defined issues (see e.g. section 4.2 of RAA) and in accordance with the Policy Development Process (PDP), with reference to ICANN contracts
- The GNSO is free to provide advice on other policy issues related to gTLDs, but this advice may not enforceable on parties under contract with ICANN

9

## Background

- From the Issues Report: ‘there appears to be no universally accepted definition of what constitutes abuse’ and no differentiation seems to be made in registry/registrar policies between registration abuse and domain name use abuse.
- Section 4.2.3. of RAA notes that new consensus policies may be established on ‘resolution of disputes concerning the registration of Registered Names (as opposed to the use of such domain names), including where the policies take into account use of the domain names’

10

## Examples


- E.g. UDRP is a policy for the resolution of disputes concerning the registration of registered names that "take[s] into account use of the domain names", not a policy for the resolution of disputes concerning the USE of registered names.
- E.g. Registration abuse might include supplying false WHOIS data, violating a third-party's trademark in the registration of a name or rapidly modifying nameserver records in order to avoid takedown attempts; while domain name use abuse of a legitimately registered name might include violating copyright or defamation

11

## Objective of the WG

- Define domain name registration abuse as distinct from abuse arising solely from use of a domain name while it is registered
- Identify which aspects of domain name registration abuse are within ICANN's mission to address and which are within the set of topics on which ICANN may establish consensus policies that are binding on gTLD registry operators and ICANN-accredited registrars
- Develop an illustrative categorization of known abuses

12



Ciudad de

NO. 34

# México

1-6 marzo 2009

# Discussion

13