

# ICANN79 Readout – Highlights & Take-Aways from the Community Forum

*On 14 March 2024, eco – Association of the Internet Industry & ICANN – Internet Corporation for Assigned Names and Numbers hosted a joint [ICANN79 Readout](#) to summarise and discuss selected topics from the Community Forum, which held in San Juan, Puerto Rico from 2-7 March 2024.*

The ICANN79 Readout was moderated by **Eilín Geraghty**, Project Manager at eco International, and hosted by **Christopher Mondini**, Vice President, Stakeholder Engagement & Managing Director, Europe ICANN Org, and **Thomas Rickert**, Director Names & Numbers at the eco Association.

Reports from the constituencies were provided by:

- **Nicolas Caballero**, GAC, Chair of the Governmental Advisory Committee
- **Greg DiBiase**, GNSO, Chair of the GNSO Council
- **Chris Disspain**, ccNSO, Council Member of the ccNSO
- **Philippe Fouquart**, GNSO / CSG, Chair of the ISPCP
- **Ram Mohan**, SSAC, Chair of the SSAC
- **Jonathan Zuck**, ALAC, Chair of the ALAC

## ICANN79 Overview

**Christopher Mondini** opened the Readout by expressing his pleasure in partnering with eco to produce insightful readouts that provide both a deep dive and analysis into ICANN’s policy areas, serving as a valuable resource for those unable to attend meetings. He highlighted the seamless integration of hybrid experiences, where both in-person and online participants were equally engaged and effective. He gave an overview of the recent [ICANN meeting](#) in San Juan, which attracted over 1,000 on-site participants and over 500 online.

**Mondini** praised the next generation programme, [NextGen@ICANN](#), and was impressed by the graduate students’ research projects and their potential contribution to various constituencies in the future.

Among the highlights of the meeting, he mentioned the **Community Excellence Award** presented to Manal Ismail and the celebration of the GAC’s 25th anniversary. He also noted the announcement of David Olive’s retirement and provided an update on ICANN’s search for a new CEO.

Additional points covered included the [ICANN Grant Program](#), discussions on setting up platforms for UN Internet governance processes, the development of a new strategic plan, the Europe Space event, and upcoming events such as the [Universal Acceptance Day](#), the [Contracted Parties Summit](#) in Paris in May, and the [ICANN80 meeting in June](#).

**Thomas Rickert** began by acknowledging the lack of gender balance on the panel but assured participants that efforts would be made to improve this at future meetings. He outlined the discussion format, proposing to address topics directly rather than going through each group individually. Each topic would have a lead speaker who would give a brief introduction, followed by contributions from other panellists.

## New gTLDs

Greg DiBiase discussed [Recommendation 7 from the Cross-Community Working Group on New gTLD Auction Proceeds](#), focusing on the disbursement of auction proceeds from the 2012 round. The recommendation aims to provide support for applicants applying for a top-level domain (TLD) while disallowing accountability mechanisms such as the Independent Review Mechanism (IRM) for challenging decisions by the Applicant Review Board.

In response, the ICANN board has proposed a bylaw amendment to disallow accountability mechanisms, with broader implications beyond the original recommendation. [This proposal is open for public comment until 15 April.](#)

Regarding the **subsequent procedures for new gTLD applications**, the Generic Names Supporting Organisation (GNSO) sent recommendations to the board for approval. While most were approved, a subset required further discussion. A [small team within the GNSO council proposed supplemental recommendations](#) to address the board's concerns while maintaining the original intent of the recommendations.

These supplemental recommendations include clarifications on applicant support, string similarity, application rejection criteria, and appeal mechanisms for rejected applications. They are currently under review by the GNSO council and will be sent to the board for consideration. Greg encouraged stakeholders to review the proposed bylaw amendment and provide feedback.

Regarding the board's concerns about the **distinction between singular and plural domain names**, DiBiase noted that the issue may not always be straightforward. The supplemental recommendations sought to address this by providing the board with broader linguistic resources for analysis.

Chris Disspain added to the issue of singular and plural domain names in new gTLD applications that the original recommendation of the sub-group was that singulars and plurals should not be allowed to avoid contention. However, the board had concerns about some additional complexities in the recommendation.

Despite unanimous support from various stakeholders, including the GAC and the At-Large community, the board is resistant to the idea. Plans are underway to revisit the recommendation with discussions planned to persuade the board to retain the original suggestion. However, despite these clarifications, the board still appears to be struggling with the underlying premise outlined in the recommendations.

## Registry Voluntary Commitments (RVCs)

Jonathan Zuck discussed the issue of [Registry Voluntary Commitments \(RVCs\)](#), which are undertakings made by organisations applying for new Top-Level Domains (TLDs) to better manage strings. These commitments can include ensuring that only licensed entities can obtain certain TLDs or handling copyright violations. Once made, these commitments become binding and need to be incorporated into contracts and enforced.

ICANN faces challenges in enforcing these commitments, as it seeks to focus on the operation of the Domain Name System rather than regulating content. There have been discussions at ICANN79 about what types of RVCs should be allowed, how they should be enforced, and the role of third parties in assessing compliance.

While there was an emotional debate about ICANN's role in content regulation, there seemed to be a consensus in the community that a bylaw change wasn't necessary. Instead, the focus was on finding a way to determine which services can be included in contracts and how to enforce them effectively. This was one of the key topics discussed at ICANN79.

**Nicolas Caballero** elaborated on the discussions about Registry Voluntary Commitments (RVCs), which were framed by the GAC's advice in the ICANN77 Washington D.C. Communiqué. He highlighted three main points:

1. The need for adequate time for analysis, especially for non-lawyers.
2. Concerns about the necessity of fundamental bylaw amendments related to content.
3. Ensuring that any outcomes do not jeopardise existing agreements made by registries based on GAC's advice.

The GAC stressed the importance of conducting a thorough legal analysis and making the results available to the entire ICANN community. Nicolas concluded by stressing the need for careful consideration before making any fundamental bylaw amendments.

## DNS Abuse & Contract Amendments

**Jonathan Zuck** also highlighted significant **changes to the [registry and registrar agreements](#)** aimed at combating DNS abuse, including phishing, farming, and identity theft. These changes provide ICANN's contract compliance office with clearer language and authority to take action against registrars and registries that do not adequately address abuse. The discussion at ICANN79 reflected diverse perspectives, with some enthusiastic about the changes, others seeing them as a positive start, and some expressing concern about potential infringements on registrant rights if enforcement becomes too aggressive. The challenge is to strike a balance between addressing bad actors while avoiding undue impact on innocent domain name holders.

From the end-user's perspective, represented by the At-Large community, **Zuck** emphasised the complex nature of the DNS abuse issue within ICANN, particularly the importance of addressing DNS abuse as a significant and growing problem, although it is perceived by registries and registrars to affect only a small percentage of domains. Jonathan also mentioned the ongoing study commissioned by ICANN to examine issues related to DNS abuse during the last round of new gTLD applications.

He stressed the need to address unresolved issues related to DNS abuse, pricing, bulk registrations, and other related issues in the context of the next round of new gTLD applications. **Zuck** acknowledged the challenges faced by contracting parties in implementing additional requirements and emphasised the importance of finding reforms that provide the most effective results in combating DNS abuse.

**Zuck** succinctly summarises the issue of DNS abuse within ICANN. He emphasises that the main concern revolves around domains registered with malicious intent from the outset. The key questions are whether ICANN can improve the process of identifying such malicious registrations before they occur and how effectively they can take down these domains once their malicious nature is discovered. This highlights the core challenge in addressing DNS abuse within the ICANN framework.

**Philippe Fouquart** highlighted the diversity of opinion within the Non-Commercial Stakeholder Group (NCSG) regarding the new provisions in the registry and registrar contracts, noting that even within the NCSG, there are different perspectives on how these provisions might play out and the

willingness to engage in discussions about their implementation. Philippe emphasised that this diversity of views extends beyond stakeholder groups, suggesting that there are different views within the NCSG itself.

**Thomas Rickert** reminded everyone to make a distinction between DNS abuse and other types of online abuse. He clarified that DNS abuse specifically refers to activities such as phishing, malware distribution, botnets, and spam, particularly when these activities are facilitated by the DNS system. This distinction is critical to understanding the scope of ICANN's role and responsibilities in addressing various forms of abuse on the Internet.

**Nicolas Caballero** contributed to the discussion by referring to standards such as [SSAC 115](#) during the discussion on DNS abuse. He emphasised the importance of developing a clear understanding of what constitutes stopping or disrupting abuse. **Caballero** highlighted the recommendation that contracted parties should provide detailed information on enforcement actions taken, including the reasoning that led to them. He offered to delve into further technical details if necessary and sought clarification on whether his response adequately addressed the question.

**Chris Disspain** highlighted the complexity of the conundrum surrounding the enforcement of commitments related to content. He expressed scepticism that the community would agree to amend ICANN's bylaws to address content issues. **Disspain** pointed out the dilemma wherein ICANN could be seen as meddling in content if it acted on third-party content judgements. This could pose challenges for applicants if commitments related to content are not enforceable. Chris emphasised the difficulty in finding a solution to this issue.

Furthermore, **Chris Disspain** emphasised that, after 5 April, there will be ongoing discussions between ICANN compliance and the registry and registrar stakeholder groups. These discussions will focus on how parties are implementing the amendments, overcoming challenges, and enhancing their efforts to combat DNS abuse. The goal is to maintain transparent communication and continually improve the effectiveness of these measures.

Expressing concern about what he perceives as a lack of commitment from ICANN regarding redelegations, **Disspain** mentioned discussions among gTLD registrants and registrars about potential actions to take in response to threats to the IGF (Internet Governance Forum). Chris emphasised the importance of maintaining the multi-stakeholder model in forums such as the IGF and highlighted the need for ICANN to reconsider its level of commitment in light of feedback received at the geopolitical forum in San Juan.

**Thomas Rickert** highlighted the importance of distinguishing between the overall level of DNS abuse and the effectiveness of the contract changes aimed at addressing it. He emphasised the need to track whether the changes prompt previously unresponsive registries and registrars to engage with ICANN compliance, and whether ICANN compliance can successfully escalate and address cases involving bad actors.

## Policy gaps for ccTLDs

In addition, **Chris Disspain** highlighted some [potential gaps in how RFC 1591](#), which governs the delegation and redelegation of country code top-level domains (ccTLDs), is currently managed within the organisation. He mentioned that there may be issues with keeping contact information up to date and cited outdated statements within the policy that no longer reflect the current state of the domain name system.

The discussion within the ccNSO revolves around whether it's worth revisiting and updating RFC 1591 to remove irrelevant content and consolidate relevant policies into a single source. However, **Disspain** emphasised that any changes to how ccTLD policy is managed would be politically sensitive and would require a lengthy process. In summary, the ccNSO is considering the potential need for updates to RFC 1591 to address existing gaps and improve clarity and efficiency in managing ccTLD policies within the organisation.

## Updates from the GAC

**Nicolas Caballero** also provided an update from the GAC, covering key areas of focus and highlights from recent discussions. These areas include:

1. **Internet Governance**: Emphasising the importance of a multi-stakeholder approach and advocating for a robust and inclusive Internet governance framework to ensure security, stability, and resilience.
2. **Enhancing Domain Name System (DNS) Security**: Calling for continued efforts to protect the DNS from threats and abuse through collaborative security measures and adherence to best practices.
3. **Compliance and Accountability**: Stressing the need for ICANN to enforce compliance with existing policies and contractual agreements, emphasising the role of accountability mechanisms in maintaining the integrity of the DNS.
4. **Legal and Regulatory Challenges**: Addressing the complexities of aligning ICANN's policies with national laws and international agreements, advising on the importance of legal clarity and consideration of public policy objectives in policy development processes.
5. **Fostering International Cooperation**: Calling for enhanced international cooperation and dialogue among governments, the private sector, civil society, academia, and other stakeholders to address transnational challenges facing the Internet community.

**Caballero** highlighted the GAC's commitment to guiding ICANN's policymaking in a way that respects the diverse legal and cultural contexts of the global Internet ecosystem.

He explained the participation of the Global Action Programme's (GAP) in the high-level meeting in Kigali, emphasising its key role in organising the event alongside the Rwandan government. He stressed that the meeting aims to provide government officials with a comprehensive understanding of the DNS industry ecosystem. Nicolas expressed openness to welcoming all participants and stressed GAP's full involvement in collaboration with the local government.

In response to a question from Mayor Gaillard regarding discussions at the 79th meeting on the protection of human rights, **Thomas Rickert** highlighted various discussions on the protection of human rights, particularly regarding the suspension of domain names and the disclosure of registration data. Regarding technical solutions to mitigate DNS abuse, **Rickert** noted that while the focus remained primarily on policy matters, there may have been some discussions on technical measures.

## Registration Data Request Service (RDRS)

**Philippe Fouquart** acknowledged the ongoing discussions and dependencies around the content enforcement recommendations. However, he also highlighted the progress being made in other

areas, such as the work of the implementation review team in developing the application guideline. He encouraged attendees to review these developments, emphasising that while dependencies are important, significant progress is also being made on implementation aspects.

**Fouquart** discussed the [Registration Data Request Service \(RDRS\)](#), which has been developed as a replacement for the SSAD policy (System for Standardized Access/Disclosure). The RDRS is a trial system designed to retrieve WHOIS data more efficiently. Sessions at ICANN79 focused on improving the RDRS to make it more relevant to requesters while not overly burdensome to contracted parties. Feedback from the sessions identified areas for improvement, including the user interface, metrics, accuracy of responses, and consistency of interpretation among contracted parties. Funding for the RDRS has been confirmed for two years, contingent on the community's support for the trial.

In addition, **Greg DiBiase** highlighted the [Registration Data Request Service \(RDRS\)](#) as a pilot effort designed to inform the board's decision to develop a standardised system for handling requests. It aims to gather data on the volume of requests and to identify issues encountered by users. This data will help inform future steps towards the implementation of a comprehensive system.

**DiBiase** also mentioned that, due to the enactment of GDPR, the implementation of the rules established by a working group to develop an accreditation programme for privacy and proxy providers was deferred in 2016. With the completion of the PDP on registration data and its unblocking by ICANN, it is time to consider whether the previously adopted recommendations are still appropriate considering the changed legal landscape. The GNSO and the IRT members are set to reassess the policy to determine its fitness for purpose, potentially leading to revisions or a re-evaluation of the recommendations.

Additionally, **Nicolas Caballero** mentioned the GAC's support for efforts to maximise participation in the Registration Data Request Service (RDRS). He also highlighted the importance of continued engagement with the GNSO's standing committee to address challenges and suggest improvements to the RDRS, such as ensuring confidentiality of law enforcement requests and addressing issues related to voluntary participation. Overall, Nicolas emphasised the need to review and refine the RDRS to eliminate unnecessary and confusing elements based on feedback from various stakeholders and communities.

**Thomas Rickert** added that, based on discussions with the ICANN board, there doesn't seem to be any indication that following the NIS2 guidelines would put contracted parties in breach of existing ICANN policy, nor would ICANN policies put contracted parties at risk of being in violation of NIS2 guidelines. This suggests that there is alignment between the two sets of guidelines.

## Name Collisions

**Ram Mohan** gave an overview of the **Security and Stability Advisory Committee (SSAC)** at ICANN79 on **name collisions**. He explained that name collisions occur when two different Top-Level Domains (TLDs) have the same name but exist on separate systems, causing confusion. The SSAC was tasked with **assessing the risks** associated with name collisions and proposing methods to mitigate them.

A key conclusion reached by the SSAC is that name collisions continue to pose an ongoing threat to the security and stability of the DNS. To address this, the **SSAC proposes a name collision risk assessment framework**, that includes an integrated risk assessment, technical review teams, and enhanced data collection.



However, there have been challenges regarding data privacy concerns raised by ICANN's legal department. They have suggested that the collection of enhanced data for name collision assessments could lead to privacy violations. Nevertheless, the SSAC believes that researching name collisions is necessary to fulfil ICANN's mandate to preserve the security and stability of the Domain Name System.

The SSAC advocates a balanced approach that prioritises security and stability considerations over privacy concerns, while recognising the importance of privacy. They are working to finalise their recommendations and plan to release a report on 1 May. Despite potential concerns about the cost and timeframe associated with implementing their proposals, the SSAC remains committed to prioritising security and stability in the DNS.

**Moreover**, Nicolas **Caballero** emphasised the importance of a data-driven approach and the significance of data in addressing issues such as name collisions. He mentioned that this approach is crucial not only for the SSAC and various constituencies but also for the Governmental Advisory Committee (GAC). Nicolas's comment underlines the widespread recognition of the value of data-driven decision-making in addressing complex issues within ICANN.

Philippe Fouquart reiterated the importance of the framework proposed by the SSAC, emphasising that it could address the challenges faced by applicants in the previous round regarding the criticality of name collisions.

## Closing Remarks

**Philippe Fouquart** mentioned a session on **updates on geopolitical and regulatory developments** in which there was a discussion about centralising inputs to support national delegations in engaging with intergovernmental organisations. He highlighted differences in understanding of how engagement with intergovernmental organisations should be approached, noting the need for quick action on certain milestones. He highlighted the **need for clarity and further information on the transposition of Article 28 of the NIS2 directive in 27 countries**, noting that discussions are ongoing in this regard. **Fouquart** also mentioned his participation in a meeting organised by the French AFNIC on the subject.

**Thomas Rickert** raised a question about the NCPDP Phase 1 Recommendation 7, focusing on the **transfer of registration data from registrars to registries**. He highlighted the core disagreement on the interpretation of whether there is always a legal basis for such transfers. **Rickert** emphasised that the Expedited Policy Development Process (EPDP) recommendations should provide a legal basis for data transfers, making them compulsory. Another panellist noted that, while some registries may have a legal basis for data transfer, it does not apply universally.

In closing, Thomas Rickert thanked the panellists, organisers, and participants of the ICANN79 Readout.

The video of the ICANN79 Readout is available [online](#).