

## M3AAWG RESPONSE TO ICANN SSR2 RT REPORT

**Due March 20, 2020**

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The Messaging, Malware, and Mobile Anti Abuse Working Group (M3AAWG) welcomes the opportunity to review the draft report from ICANN’s Security Stability and Resiliency Review Team (Two). SSR2 RT has done an admirable job of incorporating prior review and consultation into its report. We congratulate the team for taking on the difficult and contentious task of identifying persistent or systemic issues that expose the domain name registration and name resolution services to misuse or criminal abuse. We encourage the ICANN organization and community to take seriously both the recommendations from the report, as well as the urgency that the SSR2 Review Team expresses in implementing these recommendations.

We concur with the SSR2 RT assertion that “the publications, statements, and related actions by the ICANN organization have consistently understated or omitted the impact of systemic abuse of the DNS and its use as a platform for launching systematic attacks on individual and organizational systems worldwide”. The report should further urge the ICANN organization to be transparent and to exercise its ability “to negotiate, enter into and enforce agreements, including public interest commitments, with any party in service of its Mission” (See ICANN Bylaws, Article 1, Mission at <https://www.icann.org/resources/pages/governance/bylaws-en/#article1>).

M3AAWG is committed to the mitigation of all forms of misuse or criminal abuse, including those that exploit messaging services. Our comments on the SSR2 RT draft report reflect this focus of concern, yet this should not imply that we consider any of the recommendations unimportant. Within this context, we offer the following specific comments.

- 1. Implement SSR1 RT recommendations and other, prior recommendations from ICANN advisory committees**, as directed by the ICANN Board. The draft report findings offer strong indications that the ICANN Board, organization and community have not embraced the letter or the spirit of past reviews. The SSR2 RT draft report notes that of 28 SSR1 recommendations, SSR2 finds that all except recommendation 26 are still relevant; that no work has been done to implement recommendations 6 and 9, and that work is still needed on all except recommendation 26. The ICANN organization and community should commit publicly to complete these implementations as a matter of urgency and global necessity.

M3AAWG recommends that the SSR2 RT urge the ICANN Board to firmly direct the organization and community to correct this circumstance. To ensure that ICANN satisfy its public interest commitments, they should provide a plan to adopt the indicators, measurements or other transparency and accountability mechanisms as quickly as possible after publication of the report.

2. **Empower ICANN Compliance with contracts and enforcement tools to mitigate domain abuse.** We concur with the SSR2 RT regarding ICANN’s failure to request, enumerate, or to negotiate for enforcement tools. M3AAWG member experience when dealing with ICANN Compliance has been unproductive. This is in part because ICANN’s contracts provide few enforceable clauses related to mitigating abuse.
3. ICANN has not fostered a contract negotiations process that is transparent, or open to participation from all affected ICANN constituencies. We recommend that the SSR2 RT urge ICANN to adopt a contract negotiation process in which the influence of contracted parties who pay fees to ICANN cannot be held in question.
4. The draft report calls attention to the use of rate limiting on registration data access by contracted parties. **Rate limiting in its current forms is an urgent operational security problem.** M3AAWG members concur that measures to prevent parties with legitimate purposes to access public registration data, *especially* information that identifies registrar and operational data such as name server, status, and creation dates, should be prohibited by contract. These *public* data are undeniably appropriate for public consumption in machine formats. We urge the SSR2 RT to recommend that contracted parties be obligated *by contract* to accommodate the high-volume needs of operational security users. Mechanisms such as whitelisting, vetting or pre-authorization which unfairly encumber academics, individuals who responsibly investigate abuse, and generally any party who has legitimate purposes to collect registration data, should not be used.
5. **Use the DAAR system as it was intended to be used.** M3AAWG concurs with the SSR2 RT regarding publication of registry and registrar abuse statistics from DAAR. We recommend that the SSR2 make clear that rate limiting is an impediment to the DAAR system’s ability to accurately report registrar statistics.
6. **Implement a post-GDPR Whois (and RDAP) access method that accommodates the legitimate-purpose uses of the M3AAWG membership.** M3AAWG is submitting a separate comment on the EPDP Phase 2 Report. However, with regard to the SSR2 RT report, we urge the team to consistently “Ensure access to registration data for parties with legitimate purposes” which most accurately identifies the parties with need to access registration data. We further urge the review team to recommend that ICANN take no action to sunset Whois until it has determined that RDAP services are reliable, available and accurate. Lastly, we recommend that the Review Team request ICANN to conduct a study of the various (inter)relationships between registrar implementations to satisfy the EU GDPR and California’s CCPA and the privacy or proxy protection services, and to publish or establish uniform criteria for processes to obtain underlying registration data when redacted or hidden by a privacy/proxy protection service (or in some cases, both).

7. **Make all forms of pricing, including promotional pricing and bulk registration pricing, a matter of public record and “open data”.** We concur with the SSR2 RT recommendation that ICANN should study pricing, yet urge the review team to further ask that registries and registrars share pricing with ICANN as a matter of contract, and that ICANN publish pricing at its web site, in machine usable formats.
  
8. **Combating domain abuse through changes in pricing requires additional study to prevent unintended consequences.** The economic complexities of the DNS are not well understood. As the SSR2 RT points out, there is a need to collect and study pricing data and abuse statistics. Introducing new pricing incentives and disincentives without a holistic understanding of economic and policy effects may unintentionally result in higher rates of abuse, unfairness, or other harms. We urge the SSR2 team to call for further economic modeling and study of the DNS economy by qualified professionals instead of explicit pricing recommendations.

M3AAWG looks forward to working with our counterparts at ICANN to further the fight against abuse of the Internet. Our members include registrars with a depth and breadth of experience in the detection, mitigation and prevention of DNS and related abuse. M3AAWG anticipates working closely with ICANN to develop and implement working solutions to help address the issues that SSR2 brings forward.