

Competition, Consumer Trust, Consumer Choice Review Team (CCT-RT) Pending Recommendations: Board Action on Eleven Pending Recommendations

22 October 2020

Rec #	CCT Recommendation	CCT Directed Recommendation to ¹	Board Action
Recommendations the Board approves			
6	Partner with mechanisms and entities involved with the collection of TLD data. As feasible, collect TLD registration number data per TLD and registrar at a country-by-country level in order to perform analysis based on the same methods used in the Latin American and Caribbean DNS Marketplace (LAC) Study.	ICANN organization	Approve. The Board notes that the RDS data from ccTLDs and registrars at a country-by-country level may be difficult to obtain. ICANN org can make best efforts on a regional level to obtain TLD data, on a voluntary basis, but there may be certain regions where collection is limited.
7	Collect domain usage data to better understand the implications of parked domains.	ICANN organization	Approve. For the purposes of collecting data on this recommendation, the Board directs ICANN org to investigate existing definitions of parking, including the CCT-RT’s definition and its data collection methodologies, along with other potential data sources, in order to provide a definition of parking for community review, and a transparent methodology and process for data collection.
8	Conduct periodic surveys of registrants that gathers both objective and subjective information with a goal of creating more concrete and actionable information.	ICANN organization	Approve. The Board directs the surveys to be conducted at regular intervals of at least three years to ensure baseline data for future analysis as well as to reduce response burden, given the survey length and the pace of behavioral change associated with the domain name marketplace.
11	Conduct periodic end-user consumer surveys. Future review teams should work with survey experts to conceive more behavioral measures of	ICANN organization and future CCT Review Teams	

¹ Action as it relates to other entities than the ICANN org and Board is set out in the [March 2019 Scorecard](#). This Scorecard does not overtake or modify that action.

	<p>consumer trust that gather both objective and subjective data with a goal toward generating more concrete and actionable information</p>		
<p>13</p>	<p>ICANN should collect data in conjunction with its related data collection activities on the impact of restrictions on who can buy domains within certain new gTLDs (registration restrictions) to help regularly determine and report:</p> <ol style="list-style-type: none"> 1. Whether consumers and registrants are aware that certain new gTLDs have registration restrictions; 2. Compare consumer trust levels between new gTLDs with varying degrees of registration restrictions; 3. Determine whether the lower abuse rates associated with gTLDs that impose stricter registration policies identified in the Statistical Analysis of DNS Abuse in gTLDs Study continue to be present within new gTLDs that impose registration restrictions as compared with new gTLDs that do not 4. Assess the costs and benefits of registration restrictions to contracted parties and the public (to include impacts on competition and consumer choice) and; 5. Determine whether and how such registration restrictions are enforced or challenged. 	<p>ICANN organization</p>	<p>Approve. The Board notes that data collection concerning consumer awareness of registration restrictions (part 1) and consumer trust levels in TLDs with restrictions versus those without (part 2) can be incorporated into future surveys of consumer-end users and registrants (see recommendations 8 and 11).</p> <p>Determining a correlation between lower abuse rates and stricter registration policies (part 3) entails extending parts of the “Statistical Analysis of DNS Abuse in gTLDs” study.</p> <p>Regarding part 4 on assessing “costs and benefits of registration restrictions to contracted parties and the public”, with clarification received from CCT-RT Implementation Shepherds, the Board calls for questions around costs and benefits to be integrated into the voluntary data gathering collection efforts, along with parts 1 and 2. The Board also expects that these data sets will be provided to the future review team to conduct a cost/benefit analysis based on the data.</p> <p>On part 5, determining “whether and how such registration restrictions are enforced or challenged”, the Board directs ICANN org to conduct a voluntary pilot survey to gather the requested data, and to review results and participation rates to determine whether the survey should be continued at regular intervals. Data collection efforts must be preceded by consultation with contracted parties on the approach and methods for a voluntary survey (or other means of contacting contracted parties), to ensure the most meaningful and useful data can be collected.</p>

<p>16</p>	<p>Further study the relationship between specific registry operators, registrars, and DNS Security Abuse by commissioning ongoing data collection, including but not limited to, ICANN Domain Abuse Activity Reporting (DAAR) initiatives. For transparency purposes, this information should be regularly published, ideally quarterly and no less than annually, in order to be able to identify registries and registrars that need to come under greater scrutiny, investigation, and potential enforcement action by ICANN organization. <i>[Upon identifying abuse phenomena, ICANN should put in place an action plan to respond to such studies, remedy problems identified]²</i>, and define future ongoing data collection.</p>	<p>The ICANN Board, the Registry Stakeholders Group, the Registrar Stakeholders Group, the Generic Names Supporting Organization, and the Subsequent Procedures PDP WG, SSR2 Review Team.</p>	<p>Approve. The Board notes that ICANN org will continue to collect data and generate monthly reports on an ongoing basis. DAAR itself is not and cannot be a compliance/enforcement tool. Rather, it is a tool that monitors third party reputation lists to indicate possible concentration of DNS security threats.</p>
<p>18</p>	<p>In order for the upcoming WHOIS Review Team to determine whether additional steps are needed to improve WHOIS accuracy, and whether to proceed with the identity phase of the Accuracy Reporting System (ARS) project, ICANN should gather data to assess whether a significant percentage of WHOIS related complaints applicable to new gTLDs relate to the accuracy of the identity of the registrant. This should include analysis of WHOIS accuracy complaints received by ICANN Contractual Compliance to identify the subject matter of the complaints (e.g., complaints about syntax, operability, or identity). The volume of these complaints between legacy gTLDs and new gTLDs should also be compared. ICANN should also identify other potential data sources of WHOIS complaints beyond those that are contractually required (including but not limited to</p>	<p>ICANN organization to gather required data, and to provide data to relevant review teams to consider the results and, if warranted, to assess feasibility and desirability of moving to identity validation phase of WHOIS ARS project.</p>	<p>Approve. The Board notes that no further action is required at this time, and that if future RDS reviews request that data, ICANN org will provide the information to help inform their work.</p>

² Per the 1 March 2019 Board action on the CCT-RT Final Report, the portion of the recommendation in brackets was passed through to the community groups the CCT-RT identified.

	complaints received directly by registrars, registries, ISPs, etc.) and attempt to obtain anonymized data from these sources. Future CCT Reviews may then also use these data.		
20	Assess whether mechanisms to report and handle complaints have led to more focused efforts to combat abuse by determining: (1) the volume of reports of illegal conduct in connection with the use of the TLD that registries receive from governmental and quasi-governmental agencies; (2) the volume of inquiries that registries receive from the public related to malicious conduct in the TLD; (3) whether more efforts are needed to publicize contact points to report complaints that involve abuse or illegal behavior within a TLD; and (4) what actions registries have taken to respond to complaints of illegal or malicious conduct in connection with the use of the TLD. Such efforts could include surveys, focus groups, or community discussions. If these methods proved ineffective, consideration could be given to amending future standard Registry Agreements to require registries to more prominently disclose their abuse points of contact and provide more granular information to ICANN. <i>[Once this information is gathered, future review teams should consider recommendations for appropriate follow up measures]</i> ³ .	ICANN organization and future CCT Review Teams	Approve. The Board directs ICANN org to conduct a voluntary pilot survey to obtain the requested data. Data collection efforts must be preceded by consultation with contracted parties on the approach and methods for a voluntary survey (or other means of contacting contracted parties), to ensure the most meaningful and useful data can be collected. The Board directs ICANN org to review results and participation rates, after completion of the survey, to determine whether the survey should be continued at regular intervals.
23	ICANN should gather data on new gTLDs operating in highly-regulated sectors to include the following elements: - A survey to determine:	ICANN organization, New gTLD Subsequent Procedures PDP	Approve. The Board notes that ICANN org, through its Contractual Compliance team, currently reports on volume and nature of complaints received regarding gTLDs operating in highly-regulated sectors.

³ Per the 1 March 2019 Board action on the CCT-RT Final Report, the portion of the recommendation in brackets was passed through to the community groups the CCT-RT identified.

	<p>1) the steps registry operators are taking to establish working relationships with relevant government or industry bodies; and</p> <p>2) the volume of complaints received by registrants from government and regulatory bodies and their standard practices to respond to those complaints.</p> <ul style="list-style-type: none"> - A review of a sample of domain websites within the highly-regulated sector category to assess whether contact information to file complaints is sufficiently easy to find. - An inquiry to ICANN Contractual Compliance and registrars/resellers of highly regulated domains seeking sufficiently detailed information to determine the volume and the subject matter of complaints regarding domains in highly regulated industries. - An inquiry to registry operators to obtain data to compare rates of abuse between those highly-regulated gTLDs that have voluntarily agreed to verify and validate credentials to those highly-regulated gTLDs that have not. - An audit to assess whether restrictions regarding possessing necessary credentials are being enforced by auditing registrars and resellers offering the highly-regulated TLDs (i.e., can an individual or entity without the proper credentials buy a highly-regulated domain?). To the extent that current ICANN data collection initiatives and compliance audits could contribute to these efforts, we recommend that ICANN assess the most efficient way to proceed to avoid duplication of effort and leverage current work. 	Working Group	<p>The Board directs ICANN org to conduct a voluntary pilot survey to capture the recommended data, as well as a review of a sample of domain websites within the highly-regulated sector. With respect to collecting data from resellers, the Board notes that ICANN does not have the means to communicate with resellers. For the corresponding datapoint, this will need to be obtained through registrars, on a voluntary basis. Data collection efforts must be preceded by consultation with contracted parties on the approach and methods for a voluntary survey (or other means of contacting contracted parties), to ensure the most meaningful and useful data can be collected. Following completion of the survey, the Board directs ICANN org to review the results before determining whether to proceed with the survey on an ongoing basis.</p> <p>Regarding the portion of the recommendation calling for an audit on registration practices, the Board notes existing Registry Agreement limitations to two audits per year and that ICANN Compliance data shows insignificant volumes of complaints, indicating that this is a low risk area. The Board believes it is important to ensure limited resources are used to focus on obligations that have the largest potential impact to the Safety, Security and Resiliency of the DNS. As a result, the Board directs ICANN org to continue to monitor complaint trends in this area, and to plan for an audit if any risk is identified.</p>
24	a. Determine whether ICANN Contractual Compliance should report on a quarterly basis whether it has received complaints for a registry	ICANN organization	Approve. The Board notes that ICANN org currently reports on the data requested under item 24a. on a monthly basis.

	<p>operator's failure to comply with either the safeguard related to gTLDs with inherent governmental functions or the safeguard related to cyberbullying.</p> <p>b. Survey registries to determine: 1) whether they receive complaints related to cyberbullying and misrepresenting a governmental affiliation; and 2) how they enforce these safeguards.</p>		<p>The Board directs ICANN org to conduct a voluntary pilot survey to gather the data requested under 24b, and to review results and participation rates to determine whether the survey should be continued at regular intervals. Data collection efforts must be preceded by consultation with contracted parties on the approach and methods for a voluntary survey (or other means of contacting contracted parties), to ensure the most meaningful and useful data can be collected.</p>
<p>26</p>	<p>A study to ascertain the impact of the New gTLD Program on the costs required to protect trademarks in the expanded DNS space should be repeated at regular intervals to see the evolution over time of those costs. The CCT Review Team recommends that the next study be completed within 18 months after issuance of the CCT Final Report, and that subsequent studies be repeated every 18 to 24 months. The CCT Review Team acknowledges that the Nielsen survey of INTA members in 2017 intended to provide such guidance yielded a lower response rate than anticipated. We recommend a more user friendly and perhaps shorter survey to help ensure a higher and more statistically significant response rate.</p>	<p>ICANN organization</p>	<p>Approve. The Board encourages collaboration with relevant partners, as appropriate, to gain a deeper insight into the effects of the New gTLD Program on trademark enforcement, using a combination of qualitative and quantitative research.</p>