

High Security Top-Level Domain (HSTLD) - Draft Program Development Snapshot
Comments of the Registries Stakeholder Group
8 April 2010

The Registries Stakeholder Group (RySG) of the GNSO is pleased to provide this statement in response to ICANN's request for comments on the **High Security Top-Level Domain (HSTLD) - Draft Program Development Snapshot** posted on 22 February 2010 and available at: <http://icann.org/en/topics/new-gtlds/hstld-program-snapshot-18feb10-en.pdf> (the "Snapshot"). The comments that follow represent a consensus position of the RySG as further detailed at the end of the document.

The Snapshot describes itself as a "draft work . . . [that] reflects a continued development effort around a voluntary program designed to support control standards and incentives to increase trust in TLD's that elect to participate in the program."

In light of this limited purpose of the Snapshot, the RySG will comment on certain general aspects of the High Security TLDs, but will not comment in detail on the specific program elements described in the Snapshot. These comments are based generally on the earlier Comments of the RySG on on DAG3, Modules 1-4, filed on 21 November 2009, available at <http://forum.icann.org/lists/3gtld-guide/msg00069.html>.

General Comments

- I. The RySG fully recognizes the value of "high security zones" for particular gTLDs, but we do not believe that is an appropriate role for ICANN for the following reasons: 1) it is not within ICANN's limited technical coordination mission related to Internet identifiers; 2) it would expand ICANN's authority to address malicious uses of domain names; 3) it would put ICANN into direct competition with organizations that already are capable of performing such a function; and 4) the demand for such zones could be met more effectively by registries in cooperation with existing security organizations.

- II. The Snapshot proposes a self-certification program, subject to verification, with sanctions imposed for non-compliance. The extent of ICANN's participation in the development of this program is unclear and without foundation. The development of the standards should be left to other organizations that have the appropriate expertise in this area.
- III. The Snapshot contemplates registries taking responsibility for registrar functions, and for the accuracy and completeness of registrant data. Recent registrar failures have demonstrated the extreme challenges involved in providing such assurances.
- IV. The Snapshot proposes to alter the fundamental contractual registry/registrar relationship; it thrusts registries into a de facto enforcement role vis-à-vis registrar functions. ICANN, as the contracting party with registrars, should take whatever action is needed to enforce its contracts with registrars. Further, the Snapshot fails to identify the suitable repercussions for registrar non compliance.

Detailed Comments

- I. Principle 3 in the Snapshot states: "The Registry shall maintain effective controls to provide reasonable assurance that the processing of core Registrar functions by its Registrars are [sic] authorized, accurate, complete, and performed in a timely manner in accordance with established policies and standards." One of its objectives is "Registrant identity is verified and established prior to provisioning of domain name by the Registrar."
- II. This Principle raises several issues:
 - a. It is unclear how a registry would be able to guarantee a registrar's internal processes and choices. The reseller level of the distribution chain adds even more complexity and challenges.
 - b. Authentication of registrant information at time of registration may not be reasonable or reliable -- socially or technically. For example, there are no worldwide databases that provide reliable registrant verification. Registrars that are located in or do business with registrants in certain parts of the world may be at a disadvantage.
 - c. Auditing makes the registry operator responsible for the actions of the registrars, and for the results of the program as a whole. Given the

facts outlined in (a) and (b) above, what registry operator and independent assessor would take on liability to develop and/or attest to the controls in place?

III. It has not been demonstrated if or how the program proposed by the Snapshot can deliver better security and reduced malicious activity in the participating TLDs.

- a. Criminals already circumvent registrar-side controls designed to catch fraudulent credit card and contact data.
- b. Further to the authentication issue: checking to see if an individual or business is in a database does not constitute verification that that entity is purchasing the domain name. Every day criminals register domain names by appropriating the identities and contact data of other people and often obtain that information from databases.
- c. To our knowledge there have not been empirical studies of how domain eligibility policies and related procedures affect the amount of e-crime in a TLD. For example, abuse occurs regularly in some ccTLDs that have nexus requirements.
- d. Registries and registrars cannot control how registrants use the domains, or how registrant servers become infected by malware or hacked for phishing.
- e. A central assumption of the program is that participating registries will be able to bind their registrars to certain requirements and that the registries will be able to choose which registrars they will do business with. This runs contrary to existing equivalent access and non-discrimination obligations under current ICANN policy that is reflected in current registry contracts.

A supermajority of 10 RySG members supported this statement:

- Total # of eligible RySG Members¹: 14
- Total # of RySG Members: 13
- Total # of Active RySG Members²: 13

¹ All top-level domain sponsors or registry operators that have agreements with ICANN to provide Registry Services in support of one or more gTLDs are eligible for membership upon the “effective date” set forth in the operator’s or sponsor’s agreement (RySG Articles of Operation, Article III, Membership, ¶ 1). The RySG Articles of Operation can be found at <<http://gns0.icann.org/files/gns0/en/improvements/registries-sg-proposed-charter-30jul09-en.pdf>>. The Universal Postal Union recently concluded the .POST agreement with ICANN, but as of this writing the UPU has not applied for RySG membership.

- Minimum requirement for supermajority of Active Members: 9
- Minimum requirement for majority of Active Members: 7
- # of Members that participated in this process: 13
- Names of Members that participated in this process:
 1. Afilias (.info and .mobi)
 2. DotAsia Organisation (.asia)
 3. Dot Cooperation LLC (.coop)
 4. Employ Media (.jobs)
 5. Fundació puntCAT (.cat)
 6. Museum Domain Management Association – MuseDoma (.museum)
 7. NeuStar (.biz)
 8. Public Interest Registry - PIR (.org)
 9. RegistryPro (.pro)
 10. Société Internationale de Télécommunication Aéronautiques – SITA (.aero)
 11. Telnic, Limited (.tel)
 12. Tralliance Registry Management Company (TRMC), (.travel)
 13. VeriSign (.com, .net & .name)

- Names & email addresses for points of contact:
 - a. Chair: David Maher, dmaher@pir.org
 - b. Alternate Chair: Jeff Neuman, Jeff.Neuman@Neustar.us
 - c. Secretariat: Cherie Stubbs, Cherstubbs@aol.com

Regarding the issue noted above, the level of support in the RySG for the Stakeholder Group statement is summarized below.

1. **Level of Support of Active Members: Supermajority**

² Per the RySG Articles of Operation, Article III, Membership, ¶ 6: Members shall be classified as “Active” or “Inactive”. A member shall be classified as “Active” unless it is classified as “Inactive” pursuant to the provisions of this paragraph. Members become Inactive by failing to participate in a RySG meeting or voting process for a total of three consecutive meetings or voting processes or both. An Inactive member shall have all rights and duties of membership other than being counted as present or absent in the determination of a quorum. An Inactive member may resume Active status at any time by participating in a RySG meeting or by voting.

1.1. # of Members in Favor: 10

1.2. # of Members Opposed: 0

1.3. # of Members that Abstained: 0

1.4. # of Members that did not vote: 3

2. **Minority Position(s):** N/A