

RySG comment on ICANN Contractual Compliance [blog](#) of 8 November 2018: Addressing Domain Name System (DNS) Infrastructure Abuse

The RySG acknowledges the forthcoming audit focusing on DNS infrastructure abuse, and believes it is important for ICANN Compliance to ensure contracted parties are upholding their contractual obligations with respect to DNS infrastructure abuse and security threats. To that end, our members will be responsive to the audit request for information (RFI) questions that are tailored to assess compliance with a specific requirement in the Registry Agreement.

The RySG recognizes, understands, and takes seriously the concerns expressed by members of the ICANN community regarding DNS infrastructure abuse. We are willing to engage and work constructively with the community and ICANN org to address and respond to those concerns. As registry operators, we have a vested interest in ensuring that we offer a reputable product consumers can trust. Registries also value prompt action to mitigate DNS abuse and often go above and beyond the requirements of the Registry Agreement. We invest a good deal of time, funds, and other resources combating DNS abuse for the benefit of all, and would be more than happy to detail processes and procedures for ICANN and the community through the appropriate channels.

However, the RySG is concerned that several questions contained in the RFI are outside the scope of the current Registry Agreement and therefore beyond the existing mission of ICANN Compliance which is "... to ensure that ICANN's contracted parties fulfill the requirements set forth in their agreements with ICANN." We agree that it is appropriate to use the audit process to address concerns of non-compliance; however, it is our view that this "broadened" RFI goes beyond that. An audit - which is narrow and specifically defined in our respective Registry Agreements - is not a means for ICANN org to address concerns outside of the remit of contractual requirements, such as the recommendations contained in the yet to be adopted Competition, Consumer Choice and Consumer Trust Review Final Report and GAC advice. Use of the audit as an attempt to impose obligations codifying community concerns, or to evaluate general industry practices outside of our contracts, does not reflect the proper objective of assessing contractual compliance.

The RySG is willing to share with ICANN org and the community relevant information regarding our ongoing efforts to combat DNS abuse apart from the requirements set forth in our contracts. However, members of the RySG are reluctant to do so as part of an ICANN Compliance effort that goes beyond what is allowed under the Registry Agreement.

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