Compliance & Consumer Safeguard Overview Webinar Report

The Consumer Safeguards Director proceeded  by  providing the  suggested agenda mapping the proposed topics to facilitate the discussion :

* Consumer Safeguards Position
* DNS abuse
* The efforts to Address DNS abuse outside of ICANN
* ICANN 60

**-Consumer Safeguards Position**

The Consumer Safeguards Position was established in part in response  to the community concerns about the effectiveness of the safeguards and consumer harm within the DNS.

The position itself is not part of the compliance team or GDD .It is a separate department within ICANN org .Yet , it is working very closely with the various departments and teams within the organization .It is not a position that has any enforcement powers or a policy-making position .The reason behind it is to work with the community to facilitate the interesting topics  concerning the importance of consumer safeguards to generate a fruitful discussion

**-Current safeguards and compliance tools**

The current safeguards  are derived from  ICANN articles of incorporation ,ICANN Bylaws and ICANN Agreements with Registrars and Registries .As for the  contractual compliance , the Consumer Safeguards position oversees the contracts that ICANN maintains to ensure compliance with the agreements and the consensus policies and also to enforce the tools and make sure that the enforcement and all information is reported to the community .

In order to be a trusted provider as its mission states for contractual compliance,

the Consumer Safeguards Position is committed to the prevention of the non compliance through collaboration with reporters and the contracted parties to try to  address and resolve non compliance issues .

It tries also to achieve collaboration with proactive monitoring .It has tools like audits .There is the technical tools for proactive monitoring and there is proactive monitoring by the team based on blogs or the reports that are publicly available .

In addition to the  collaboration proactive monitoring , it has the ability to enforce the contracts through the different tools available to it by the agreements .

For registrars for example ,it goes through the 1 to 3 process for both contracted parties .For registrars ,it has also the ability after a notice of breach to suspend or terminate .

For registry operators ,there is a notice of breach .The termination or non renewal ,however is based on the agreement per se .

In addition to the collaboration  and the tools for enforcement , the Consumer Safeguards Position has been committed to transparency  throughout its communications and reporting for the community which has been emphasized on in the current review teams and working groups .

In this regard , the Consumer Safeguards Position is in the process of developing additional changes to its reports to bring more granularity and information to the subject matter of the complaint .

In response to a question related to the scope of the consumer definition and whether it includes registrants .The consumer safeguards director clarified that the shared working definition of a ‘consumer’’ in Johannesburg encompass everybody except the contracted parties  which means all end users (current or potential ) and registrants .

**DNS Abuse .**

The Consumer Safeguards Director proceed by setting the DNS abuse scene by  a set of   questions  for the community aiming  to generate a discussion

* ·     What is    ICANN’s role in addressing DNS abuse
* ·        The gaps between DNS abuse and the tools within ICANN’s remit to address the abuses ?
* ·        What types of abuses should  the team focuses on phishing or malware or botnets or other  types of abuses ?
* ·        What additional tools or data would be helpful in assessing DNS abuse?·

**Efforts to  Address DNS Abuse outside of ICANN**

The Consumer Safeguards Director provided the following question to generate the discussion:

* Are there areas where voluntary measures could be helpful?
* How should ICANN collaborate with other stakeholders addressing abuse?
* Is there a threat of government regulation?

In a response to the a question about the working definition of abuse , the director emphasized on the position’s  openness in that regard for community  input about the type of abuse that it would like ICANN to focus and whether there is an existent on type of abuse within the DNS unique identifier system  that it  what should  focus on .

The Consumer Safeguards Position’s role is more of a research type position where if the community asks questions and wants information, its role is to gather information and deliver it back to the community. It can engage in fact based policy making in consistence with 3.1 ICANN bylaws.

It is not an enforcement position it is about facilitating the discussion.

**ICANN60**

The webinar ended with an open call for community contribution to structure a session for the further discussion during ICANN 60 Abu Dhabi .

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