

The NCUC Issue Forum hosted at ICANN80 in Kigali provided a comprehensive look at key issues impacting registrant rights within ICANN's multistakeholder model. This is a summary of the discussions in the issue forum.

DNS abuse

One area of focus was DNS abuse mitigation mechanisms and law enforcement requests for registrant data. There were calls for greater transparency around these processes, due process protections for registrants, and human rights impact assessments before domains were suspended.

Peter Akinremi (GNSO Councillor from the Non-Commercial Stakeholders Group) emphasized the need for human rights impact assessments before registry operators suspend domains, stating "We want due process, we want transparency, we want clarity of process." He raised concerns about domains being suspended unilaterally without sufficient due process protections.

Calls for transparency and due process

- Publish data on domains suspended/reinstated and the reasons
- Notice and opportunity for registrants to respond before suspension
- Human rights impact assessments before taking action

Consistency in defining and mitigating abuse

- Standard policies across registries/registrar
- Distinguish technical DNS abuse from content issues

Avoid unilateral decisions without community input.

Law Enforcement Urgent Requests

Also reporting on the topic of law enforcement urgent requests, Peter notes that this is about the RDRS, which is essentially a system that routes requests for registrant data to participating registrars, who evaluate each request and decide whether or not to provide the data.

Peter explains that the issue is for more transparency around "who is requesting this data and for what purpose", especially when it comes to law enforcement requests. There was a desire to have aggregate data published on the sources and reasons behind requests to disclose private registrant information to authorities.

Peter also noted that in recent days the wholesale registrar Tucows had published a blog post providing a summary of the law enforcement requests they had received. This blog post

Privacy and proxy issues (PPSAI)

Stephanie Perrin (GNSO Councillor from the NCSG) provided important historical context on the long-running effort to develop an accreditation program for privacy and proxy services,

noting that initial actions on registrant personal data protection amounted to little more than ICANN calling on registrars to respect local privacy law. Some registrars began offering privacy options for a fee, which led to some constituencies suggesting that ICANN “accredit” providers of these services to ensure their legitimacy since many of these services were offered by resellers, with no direct connection to ICANN and therefore not accountable to anyone regarding the quality of the privacy services offered.

This led to a PDP in 2013 with recommendations adopted in 2016 and IRT work between 2016 to 2019. At this point, the work was paused since new activities related to registrant data would make at least some of the recommendations redundant or irrelevant. She highlighted the fundamental distinction between privacy services, which protect registrant data while they remain the legal holder, versus proxy services where legal control is ceded to a third party.

Stephanie also highlighted that there were many issues to consider for the continuing work of the PPSAI working group, many of which concerned the protection of registrant privacy, and encouraged members of the noncommercial community to become involved. In particular, she stressed the need for an accreditation program that included:

- Criteria and vetting process for providers
- Consistent policies and procedures
- Compliance with data protection laws

Registry Measures for Registrant Protection

Brian Cimboric from the Public Interest Registry (PIR) outlined their human rights impact assessment and active use policies governing DNS abuse mitigations. He explained their commitment to transparency by publishing quarterly metrics on domains suspended and the reasons.

Importantly, PIR has implemented an appeals process for registrants and an evidence-based approach "because it reduces the potential for false positives" compared to just using blocklists. Brian emphasized respecting free expression by taking "a much more targeted approach" to DNS abuse rather than overreacting.

Public Interest Registry initiatives

- Transparency reporting on abusive actions
- Human rights impact assessment and policies
- The evidence-based approach instead of blocklists

Protecting registrant control and expression

- Ability to use domains as desired unless violating terms
- Notice and appeals process before suspension

Registry Voluntary Commitments (RVCs)/Public Interest Commitments (PICs)

Registry/Registrar measures to protect registrant rights was presented, including Public Interest Registry's human rights impact assessment, active use policies, transparency

reporting on abuse actions, formalized appeals process, and evidence-based approach instead of relying solely on reputation blocklists which can result in false positives.

The role and treatment of Registry Voluntary Commitments or Public Interest Commitments (RVCs/PICs) sparked debate. These allow registries to include voluntary safeguards in their contracts, but concerns were raised that unchecked RVCs could infringe on rights like free expression. Six principles were proposed to ensure RVCs remain within ICANN's limited technical remit.

- Proposed 6 principles to assess RVC validity
 - Within ICANN's technical mission and bylaws
 - Consistent with human rights and local laws
 - Not creating substantive policy outside PPDPs
 - Public review and consensus process
- Concerns over unchecked RVCs overreaching
 - Could impact rights like free expression
 - Contract terms extending beyond ICANN's remit
- Implementation guidance from the ICANN Board
 - As per a recent Board resolution, RVCs must align with ICANN's limited bylaws and not be related to content moderation

Transfer Policy Review

An update on the Transfer Policy Review by Ken Herman (NCUC EC NA + TPR WG representative from NCSG) covered authorization issues, required notifications to registrants, standardizing transfer locks, and potential enhancements to transfer dispute policies when hijacking occurs.

- Authorization procedures and notifications to registrants
- Standardising transfer locks and timeframes
- Potential enhancements for transfer dispute resolution
 - Recourse when hijacking or account compromise occurs

African regional perspectives

Regional perspectives were provided, with a forthcoming Africa Domain Name Industry Study highlighted as looking at the industry landscape and potential registrant rights considerations across the continent.

- Forthcoming Africa Domain Name Industry Study
 - Landscape overview and potential impacts on registrants
 - Community input informing analysis and recommendations
- Call for examples of registrant rights issues across Africa
 - To highlight in the study and address through ICANN

Throughout the session, the imperative for transparency, consistency, due process and formalized appeal mechanisms when dealing with DNS abuse and law enforcement requests that impact registrants was strong.

There were also calls for clear definitions and separation of policies between privacy/proxy services, as well as setting principled boundaries on contract terms like RVCs that could overstep ICANN's technical remit and negatively affect rights.

Overall, the overarching themes were enhancing ICANN's compliance with human rights frameworks, increasing transparency and due process around rights-impacting actions, clarifying the boundaries of ICANN's limited technical mission, and proactively addressing challenges for registrants globally as the domain industry evolves.

Additional reading:

- [Tu cows' report on their actions on the RDRS system](#)
- A course which CCWP-HR worked on two years back can be used to [introduce one to the nexus of DNS and Human Rights](#)
- [PIRs- anti-abuse report](#)
- [DNS Africa study](#)
- [Stephanie notes from the session for additional background here](#)