

ALAC Updates ----APRIL / MAY 2021

Policy development activities

Statements approved by the ALAC

[GNSO Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process Phase 1 Final Recommendations for ICANN Board Consideration.](#)

The At-Large Advisory Committee (ALAC), on behalf of the At-Large community, thanks the Review of All Rights Protection Mechanisms in All gTLDs PDP Working Group (RPM PDP WG) for its significant efforts resulting in the Phase 1 Final Report. The Phase 1 Final Report reviews the Uniform Rapid Suspension (URS) process, the Trademark Clearinghouse (TMCH), Sunrise registration process, the Trademark Claims Process and the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP).

The ALAC responded to the request for comments on the RPM PDP WG Preliminary Report in May 2020, via the form-based input tool. The ALAC now responds to the request for comments to the Final Report. This statement is largely consistent with ALAC comments on the Preliminary Report, though ALAC notes that the Report evolved in a number of respects.

The ALAC has focused in its response on recommendations that are consistent with the ALAC's principles and goals. These include improving accountability and transparency; expanding uses of languages other than English; improving data gathering and supporting the use of metrics; improving the comprehensibility and intelligibility of ICANN policies and requirements to the benefit of end-users (among others); and improving access to processes. The ALAC has also indicated its support for maintaining policies that are working as intended, which improves predictability, access and understanding. However, where matters were technical, administrative or of significant concern only to RPM participants, the ALAC has not provided a substantive response.

URS Final Recommendations

Final Recommendation 1: (Amend USR rules to clarify that only publicly available WHOIS/RDDS data needs to be inserted in the initial Complaint. Complainant may update the Complaint after receiving updated registration data) Support. This is consistent with related efforts to comply with GDPR.

Final Recommendation 2. (URS Panelists have discretion to publish or to redact full registration data in the URS Determination decision. Parties may also request redaction.) Support with modifications. Redaction should only be used in exceptional circumstances on a fact-specific basis, taking into account both the data privacy interests of the Respondent and principles of accountability and transparency in connection with URS proceedings.

Final Recommendation 3: (Panel may order that submissions in a language other than the language of the proceedings be accompanied by a translation.) Support. Translation into the language of the proceedings improves due process and is consistent with ALAC principles.

Final Recommendation 4. (Notice of Complaint must be translated by Provider into the language of the Registration Agreement. Providers must send Notice of Complaint to Respondent by all methods mentioned in the URS Procedures.) Support; this is consistent with ALAC principles of accessibility and use of appropriate languages.

Final Recommendation 5: No opinion; procedural issue not of sufficient concern to end users.

Final Recommendation 6: (Providers should publish a list of Examiners along with their CVs, identifying how often each one has been appointed providing links to decisions.) Support; consistent with ALAC general principles of transparency.

Final Recommendation 7 (Each Provider should publish and reasonably enforce an Examiner Conflict of Interest policy.) Support; consistent with ALAC general principles of transparency and fairness.

Final Recommendation 8 (ICANN org should develop compliance mechanisms applicable to the URS activity of Providers, Registries and Registrars, and metrics for measuring performance of these parties.) Support. This Recommendation is consistent with principles of accountability, reliance on metrics and ability to seek redress, all of which are supported by the ALAC.

Final Recommendation 9. (Educational materials should be developed to provide guidance to all URS participants on URS requirements to meet the “clear and convincing” burden of proof, in the form of a checklist, template or FAQ.) Support. This recommendation improves access by providing assistance to those who may not be able to afford to retain legal counsel.

Final Recommendation 10. (Informational materials should be developed to provide guidance to Complainants and Respondents, such as FAQ, forms and reference materials). Support. This recommendation improves access by providing assistance to those who may not be able to afford to retain legal counsel.

Final Recommendation 11: (After URS Providers receive contact details from relevant WHOIS/RDDS data, Providers must send notices to the Respondent by all required methods.) Support; this is a clarification of current good practices.

Final Recommendation 12: No opinion; administrative issue not of significant concern to end-users..

Final Recommendation 13: (Examiners should be required to document rationale for decision in sufficient detail; URS Providers should provide guidance to Examiners (e.g., checklist, template).) Support. This recommendation is consistent with ALAC principles of accountability and transparency.

Final Recommendations 14 and 15: No opinion; administrative issues not of significant concern to end users.

TMCH Final Recommendations

Final Recommendation 1: (Scope of TMCH should be clarified so that it does not include non-trademark strings such as geographical indications, protected designations of origin or other quality schemes that are not trademarks. Also clarify that TMCH Providers may provide ancillary databases for non-trademark strings.) Support. This clarifies the scope of the TMCH consistent with its role, while clarifying that other databases can be provided for other purposes.

Final Recommendation 2: (Maintain TMCH status quo on other matters.) Support. The current policies appear to be working as intended.

Final Recommendation 3. (TMCH Validation Provider should educate rights-holders, registrants and potential registrants regarding TMCH and consider enhancing educational materials.) Support. This improves accountability and transparency and is consistent with general goals of improving understanding of all aspects of the Domain Name System by end-users.

Final Recommendation 4: No opinion; technical issue not of significant concern to end users.

Sunrise Final Recommendations

Final Recommendation 1: (Registry Agreement should provide that Registry Operator will not intentionally circumvent mandatory RPMs or reasonable use of the Sunrise RPM). Support. Practices of some registries raised concerns about efforts to circumvent policy; however, the ALAC cautions against actions that would directly regulate registry pricing.

Final Recommendation 2: (Maintain Sunrise status quo on other matters.) Support. The current policies appear to be working as intended.

Final Recommendation 3. No opinion; administrative issue not of significant concern to end-users.

Final Recommendation 4: (Maintain Sunrise status quo on registration only for identical matches.) Support. The current policies appear to be working as intended.

Final Recommendation 5: (Maintain Sunrise status quo and do not recommend limiting scope of Sunrise by categories of goods and services in trademark registrations.) Support. The current policies appear to be working as intended.

Final Recommendations 6 and 7: (Maintain Sunrise status quo and do not recommend a challenge mechanism to Premium Names and Reserved Names or a requirement to publish Reserved Names lists.) Support. The current policies appear to be working as intended.

Final Recommendation 8: (Clarify that TMCH dispute resolution procedure is the primary mechanism to challenge the validity of a TMCH record used to support a Sunrise registration.) Support. This clarifies current practice and makes rules more understandable.

Trademark Claims Final Recommendations

Final Recommendation 1: (Continue requirement for mandatory Claims Period, with exceptions for Specification 13 (.Brands) and Specification 9 (Section 6) (gTLDs without multiple second level registrants). Support. This is a process improvement.

Final Recommendation 2 (Claims Notice must be in English and in language of the registration agreement, with a link to webpage with translations in all six UN languages). Support. This recommendation is consistent with policies of transparency, clarity and comprehensibility for the broadest group of end-users and other participants. This recommendation is consistent with principles of supporting uses of languages other than English and using primary languages of participants.

Final Recommendation 3 and 4. (Maintain status quo on mandatory Claims Period and on use of exact match criteria for Notices) Support. The current policies appear to be working as intended.

Final Recommendation 5. No opinion; administrative/technical issue not of significant concern to end-users.

Final Recommendation 6. (Revise Trademark Claims notice to improve comprehension) Support. This recommendation is consistent with policies of transparency, clarity and comprehensibility for the broadest group of end-users and other participants.

TM-PDDRP Final Recommendation

Final Recommendation 1: (Allow consolidation of Complaints against the same registry under certain circumstances.) Support. This is a process improvement that appears consistent with carrying out the intent of current policies.

In closing, the ALAC once again thanks the members of the RPM PDP WG for their years of hard work and support for the continuing evolution of ICANN policies and processes.

[Advice to the ICANN Board on the Subsequent Procedures PDP Recommendations.](#)

Executive Summary

The ALAC notes with appreciation the work of the Subsequent Procedures PDP Working Group (SubPro WG) in producing the Subsequent Procedures PDP Working Group Final Report of 20 January 2021 (SubPro Final Report) after close to 5 years of policy development work.

While we acknowledge that the SubPro WG Members have been successful in arriving at consensus on many recommendations and implementation guidance which are expected to steer implementation of Subsequent Procedures for an improved New gTLD Program¹, we are equally disappointed that they were unable to do the same for what we believe to be several key aspects of Subsequent Procedures.

As a result, and with the goal of safeguarding the interests of individual Internet end users, the ALAC, on behalf of At-Large, is obliged to provide the following advice to the ICANN Board in respect of the Board's consideration, approval, or adoption for onward operational design and/or implementation of the SubPro WG's recommendations as put forth by the Generic Names Supporting Organization (GNSO) Council.

Summarily, our advice relates to 12 aspects of the SubPro Final Report policy recommendations for the New gTLD Program:-

1. New gTLD Program Objectives and Metrics

- Any expansion of the New gTLD Program must be beneficial to all stakeholders.
- Program Objectives must be sufficiently reviewed and particularized to enable formulation of suitable metrics for effective evaluation beyond just general consumer choice, and Domain Name System (DNS) marketplace competition aspects.
- Any expansion of the domain namespace must not compromise the stability, security and resiliency of the DNS.

2. CCTRT Recommendations related to Subsequent Procedures

- The Competition, Consumer Trust, and Consumer Choice Review Team (CCTRT) Report of 2018² focused on two things: intention (goals, objectives) and data, therefore the relevant recommendations represent important inputs.
- Our concerns remain over the actions (or lack thereof) by the SubPro WG with respect to CCTRT Recommendations #14, #15, #16 (to do with DNS Security Abuse) and #29, #31 and #32 (to do with the Applicant Support Program), resulting in deficiencies which we hope the ICANN Board will shepherd the community and ICANN Org in addressing.

- Our concerns also remain over the seemingly lack of policy direction in respect of CCTRT Recommendation #12(1) (to do with user expectation regarding the relationship of content of a gTLD to its name), an omission which we hope the ICANN Board will consider addressing.
- While noting ICANN Board's action on the CCTRT recommendations through its resolutions of 1 March 2020³ and 22 October 2020⁴, we strongly advise the ICANN Board to ensure that all prerequisite and high priority CCTRT recommendations are implemented, at the latest, prior to the launch of the next round.

3. DNS Abuse Mitigation

- The ALAC deems the SubPro WG's approach of Recommendation 9.15 (which is to defer the issue of DNS Abuse mitigation solely to a wider ICANN community effort or "holistic approach") as foregoing a valuable opportunity to modernize existing contracts with Registries and Registrars in order to contractually compel more immediate, increased efforts to stem 'abuse' (as defined by the contracted parties themselves).
- The ALAC opines that a new application round represents a carrot and a more immediate avenue to draw contracted parties to negotiate improvements to their own DNS Abuse mitigation efforts; absent this incentive, such improvements are likely perceived as merely expensive new regulation.
- Notwithstanding, the ALAC believes that the landscape of DNS Abuse continues to evolve and that anti-abuse measures must be continuously updated, if not widened, to also recognize and address new forms of harm being perpetrated by bad actors.
- Therefore, if the ICANN Board sought to agree with the suggested "holistic approach", then the ALAC strongly urges the Board to also ensure that not only must those community discussions take place promptly, but that they be completed with outcomes put in place prior to the launch of the next round of applications for New gTLDs. To this end, we believe it is imperative for the ICANN Board consider the following inputs:
 - o Prior ALAC Advice on DNS Abuse⁵;
 - o The SSR2 Final Report recommendations touching on contracts, compliance, and transparency around DNS Abuse⁶;
 - o The SSAC's proposition in SAC114 Recommendation 3 regarding best practices for mitigation of the domain name abuse⁷;
 - o The SSAC's proposal in SAC115 for a Common Abuse Response Facilitator to streamline abuse reporting and minimizing of abuse victimization, as well as the call to ensure a much wider community participation in broadening the definition of DNS Abuse to one that is not merely confined to the perspectives of contracted parties⁸; and
 - o An expected proposal for concrete action on DNS Abuse Mitigation arising from the work being undertaken by the GAC Public Safety Working Group (PSWG)⁹.

4. Enforceability of Public Interest Commitments (PICs) and Registry Voluntary Commitments (RVCs)

- We noted the ICANN Board's expressed concern that ICANN may end up enforcing contract provisions that lie outside its remit. However, the ALAC opines that any need to minimize ICANN regulation that falls outside its remit must not displace the exigency for all provisions in contract with ICANN to be enforceable and to be enforced by ICANN Contractual Compliance.

- Any provision that ICANN does not intend to enforce should not appear in contracts with Registries and/or Registrars.
- Should a jurisdictionally competent dispute resolution procedure determination or ruling of unenforceability (on whatever grounds) be served on ICANN, the ICANN Board must take action to remedy such unenforceability, by preserving, where feasible, the original intention of the affected PIC or RVC through negotiation with all impacted contracted parties or other actions. Such actions could, if necessary, include Bylaw amendments.
- The ALAC notes that the ICANN Bylaws Article 1, Section 1.1(c) reads “ICANN shall not regulate (i.e., impose rules and restrictions on) services that use the Internet’s unique identifiers or the content that such services carry or provide, outside the express scope of Section 1.1(a)”. The parenthetical expression clearly says that ICANN cannot impose its own rules or restrictions in regard to content. There is therefore no restriction on ICANN enforcing commitments made by TLD operators in their contracts with ICANN that are in the pursuit of their own business interests.
- The ALAC believes that SubPro WG’s Affirmation 41.1 and Recommendation 41.2 are to apply equally to PICs and RVCs; and recommends that the ICANN Board direct that ICANN Contractual Compliance’s role in publishing more information on compliance action to encompass information on standards and thresholds for assessing registry practices, including guidelines on how each threshold is derived and applied to determine compliance or noncompliance of a PIC or an RVC for purposes of imposing sanctions and/or triggering/effecting Registry Agreement termination.
- At the time that PICs were first introduced, the ALAC was assured that they would be enforceable by Contractual Compliance and not solely through PIC Dispute Resolution Procedures (PICDRPs). PICDRPs require that the entity initiating the dispute must show measurable harm. It should not be necessary to show harm to have contracts enforced and the Board must ensure that the original commitment is honored.
- As such, the ALAC recommends that the Board instigate a review of the PICDRP to allow for complaints against any alleged registry violation of a PIC or RVC to be taken up and determined not only where the complainant is able to show evidence of significant harm suffered (as is currently required) but also on the grounds of foreseeable harm to themselves or even a third party.

5. Universal Acceptance

- The ALAC remains convinced that any expansion of the new gTLD market must actively and effectively facilitate the inclusion of the next billion Internet end-users, i.e. those who depend on Internationalized Domain Names (IDNs) and IDN-emails and that Universal Acceptance (UA) is key in ensuring this outcome.
- Therefore, while the ALAC recommends that the ICANN Board lead the pursuit of greater action towards UA-adoption through specific measures such as, including a metric on UA

adoption by third parties as a measure of success for the New gTLD Program, and encouraging increased promotion for UA-readiness by contracted parties and with new applicants.

6. Name Collision

- The ALAC supports the ICANN Board's continued keen interest in the outcome of the SSAC's Name Collision Analysis Project (NCAP) and its impact on Subsequent Procedures and the future rounds of the New gTLD Program.
- We join the SSAC in recommending that the ICANN Board, prior to authorizing the addition of new gTLDs to the root zone, receive and consider the results of the NCAP, pursuant to Board Resolution 2017.11.02.30.
- Further, we strongly advocate for the recommendations of SSAC resulting from the NCAP Studies 2 and 3 (as approved by the ICANN Board) to be implemented prior to the launch of the next round of applications for New gTLDs; or in the alternative, that delegation of any applied-for strings which pose a risk of name collisions be withheld until the NCAP studies are completed and recommendations are addressed in implementation, retrospectively for the next round.

7. Closed Generics

- In the present absence of consensus policy recommendations by SubPro WG with respect to Closed Generics, the ALAC advises the ICANN Board to direct ICANN Org to suspend any processing or acceptance of any applications for Closed Generics until such time consensus policy is adopted on how to address applications for Closed Generics which serve a global public interest.

8. Applicant Support

- The ALAC finds the Applicant Support Program (ASP) to be another area for a lack of concrete policy guidance and evaluation metrics. While the SubPro has made some recommendations to improve the ASP, the evident absence of specific goals hinders proper evaluation of program objectives and performance.
- We also question the wisdom of leaving many key aspects for development by a Dedicated Implementation Review Team (IRT) – such as addressing a risk of gaming, assessment of willful gaming and penalties to deter the gaming, and development of the Bid Credit for Applicant Support qualifiers – since these would conceivably involve questions of policy where the community's input would prove crucial. Faced with this situation, we call for priority for ALAC membership in the Dedicated IRT.
- From an implementation standpoint, we strongly advise the ICANN Board to direct ICANN Org, firstly, to secure a larger fund to meaningfully support the ASP in the next round, and secondly, to take a more active coordinating role in the ASP pro-bono assistance mechanism.

9. Auctions and Private Resolution of Contention Sets

- The ALAC continues to strongly oppose not only allowing private actions in subsequent procedures but also the use of a second-price, sealed bid auction instead of the Vickrey auction solution as the mechanism to resolve contention sets.
- We share the Board's concerns towards an applicant's ability to 'shuffle funds between private auctions'. This ability for a loser to apply proceeds from one private auction to fund their other private auctions only really benefits incumbent multi-TLD registry operators or multiple-string applicants, and clearly disadvantages single-TLD/niche applicants. With ongoing and increasing consolidation of the domain name industry, allowing private auctions will likely exacerbate the advantage for merged contracted parties, leading to less competition among registries.
- Thus, we believe there should be a ban on private auctions. Also, by mandating ICANN only auctions, the proceeds of any such ICANN auctions can at least be directed for uses in pursuit of public interest, such as was determined through the CCWG on Auction Proceeds.
- We also believe that the use of a bona fide intent affirmation – whether for all applicants or otherwise – where factors for establishing a lack of bona fide intent are too subjective, and without deterrence through penalty, serves little purpose.
- As for the proposed Contention Resolution Transparency Requirements framework, we do not agree with the protections for disclosing applicants and advise the Board to ensure that all terms of every concluded private resolution be disclosed to ICANN Org (subject to a nondisclosure commitment by ICANN Org where necessary) as data to support and inform future policy work.

10. Community Priority Evaluation (CPE)

- The ALAC applauds the SubPro WG's inclusion of many of the At-Large suggestions to reform and improve the CPE process, evaluation criteria procedures and guidelines in the SubPro Final Report. However, the SubPro WG recommendations fell short on 2 counts for which we call on the ICANN Board to redress:-
 - o Implementation Guidance 34.4 fails to address an unreasonable impediment to proving both "awareness and recognition of the community members" for CPE Criterion 1- A; the allowance made only in respect of the "recognition of community members" aspect ignores the conjunctive "and" in Criterion 1-A, such that a worthy community applicant would still forfeit valuable points where "awareness of the community members" is also not measurable.
 - o Implementation Guidance 34.12 fails to stipulate that the shortlisting and selection of CPE provider(s) by ICANN Org be subject to community input as a proactive measure for selecting the most suitable CPE Provider for subsequent procedures in order to avoid a repeat of the widespread criticisms resulting from the CPE evaluations for the 2012 round of applications.

11. Geographic Names at the Top Level

- Despite the welcomed retention of much of the 2012 AGB implementation relating to Geographic Name at the Top Level (and their adoption as new consensus policy in place of the

much less favourable ones in the GNSO 2007 Consensus Policy), the ALAC remains concerned over the insufficient support within the community for the need to respect and take into consideration the voice of stakeholders to future applications for strings matching many names with geographical meaning.

- We ask the ICANN Board to consider the public interest ramifications and serious potential consequences in allowing applications for Non-Capital City Name strings which do not clearly allude to and/or commit applicants to whether the TLD will be used primarily for purposes associated with that city name. We opine that stronger preventive protection for such strings is merited to prevent unintended consequences. Therefore, we reiterate our call for applications for strings which match the names of non-capital cities meeting specified criteria¹⁰ to be accompanied by letters of support/non-objection from relevant local governmental/public authorities irrespective of the applicant's declared use of the TLD.
- The ALAC also asks that the ICANN Board consider directing ICANN Org to provide a Notification Tool exclusively to GAC Members who wish to be informed of any applications for strings matching any names with geographical meaning as submitted by participating GAC Members under any established conditions or criteria.
- Lastly, we are disappointed at the lack of community-wide support for an ICANN Org-provided opt-in update system for interested parties to automatically keep them informed on application(s) for specified string(s), a tool we see simply as a logical extension of SubPro WG's Implementation Guidance 20.5.

12. ALAC Standing in Community Objection

- The 2012 AGB Sections 3.2.2 and 3.2.2.4 appear to suggest that the ALAC is required to prove 2 elements to qualify for standing for a community objection.
 - It is incomprehensible that the ALAC, while on the one hand, funded by ICANN Org to file objections, should have any of its Community Objections, which would be derived through a bottom-up participative process, be dismissed on the ground of a 'lack of standing' to file such objections.
- Therefore, the ALAC strongly recommends that it be granted, under no uncertain terms, automatic standing to file Community Objections in Subsequent Procedures and in future rounds of the New gTLD Program

[The Second Security, Stability and Resiliency \(SSR2\) Review Team Final Report.](#)

The At-Large Advisory Committee (ALAC), on behalf of the At-Large Community, thanks the Second Security, Stability and Resiliency (SSR2) Review Team for its significant efforts resulting in the SSR2 Review Team Final Report. The Final Report consists of a series of well-considered recommendations that would improve ICANN's fidelity to the core principles of security, stability and resiliency that lie at the heart of ICANN's mission. SSR2 builds on the work of the first SSR-RT (SSR1) and the ALAC is pleased to observe that the SSR2 has ratified most of the work of the SSR1. Please note that one of the drafting team members of this ALAC statement, Alejandro Pisanty, was also a member of the SSR1.

The ALAC takes specific note that the SSR2 reached full consensus on each recommendation. This underscores both the importance and broad support for these recommendations. We are pleased to state our support for or lack of objects to each of the recommendations in the SSR2 Final Report. Our comments below are intended to highlight recommendations and other elements of particular importance or relevance, to help guide ICANN in adopting and implementing the Final Report.

The ALAC agrees with the adoption of SMART (Specific, Measurable, Assignable, Relevant and Trackable) criteria and objectives, and with the SSR2's observation that SMART criteria should be used by both the SSR1 implementation team and by future SSR Review Teams. We observe with interest that the SSR2 team met the same difficulty as SSR1 in prioritizing recommendations. We attribute this to the multiple views both reports provide. The SSR2 team invested great effort and time in finding the right level of aggregation for their analysis and report, which (as the SSR1 team found) could neither be a narrowly focused but in-depth security audit, nor an overbroad and superficial collection of observations.

Some significant developments impacting ICANN in the time between SSR1 and SSR2 have been:

- DNS abuse
- The introduction of GDPR
- Evolution of ICANN after changes in its contractual relationships with the United States government (IANA transition)
- Significant mood changes in the Internet environment
- Additional geopolitical shifts
- A global health crisis

While this has been an extremely eventful period, there is no reason to believe the next 5+ years will be significantly less eventful. ICANN must always prepare for new events, or else it risks being overtaken by them. The SSR2 Final Report shows the way for ICANN to continuously improve its position with regard to internal and external factors that impact Internet security, stability and resiliency.

It is useful to divide the focus, and ultimately the implementation, of the report into three areas. The tools required for each area are different:

- ICANN: What ICANN does or manages (primarily, ICANN as an operating entity (ICANN org) and, to a lesser extent, the SO/ACs and the Board)
- The ICANN “Ecosystem”: What ICANN influences or oversees (contracted parties and participants in ICANN policy processes, especially PDPs)
- The Rest of the World: Everything beyond the first two areas. In the first area (ICANN itself), the ALAC notes an important theme that runs through most, if not all, recommendations: ICANN must strive to adopt industry standard and state-of-the-art practices for technical and technology-driven organizations. While ICANN is relatively small in size, it is a critical actor in global Internet security and thus in information security (InfoSec) more broadly. We recognize that ICANN has significantly professionalized its operations over the years, but more needs to be done to keep pace in a relentlessly evolving world.

In particular, the ALAC applauds Recommendation 2 for the creation of a Chief Security Officer (CSO) or Chief Information Security Officer (CISO) position, recommending that it take into account the best people, work, practices, and experience, including those who have already demonstrated foresight and are proactive in their work. This is, if anything, long overdue.

In addition, the ALAC wishes to highlight its strong support for following recommendations:

- Recommendation 4, improving risk management. Risk Management has become a core concern and core organizational goal for organizations of all sizes. Creating a centralized risk management function and adopting a recognized risk management standard (ISO 31000) would bring ICANN into alignment with best practices, both in technology-centric organizations and beyond. However, ICANN needs to recognize the unique risks and risk management challenges that ICANN faces due to its unique mandate and structure, in particular its policy development processes. ICANN’s risk management structure must ensure that all risks are considered, including community participation that is balanced in order to avoid risks of capture, disproportionate influence by parties with less at stake and/or the ability to stagnate processes. This is intertwined with Recommendation 5, recommending adoption of industry security and security auditing standards such as ISO 27000 and SSAE-18, and concomitant training and employee standards for relevant positions.
- Recommendation 6, on vulnerability disclosures, recommending the highest possible level of interaction with the broader ecosystem. Vulnerability disclosures are sensitive and subject to different norms of practice in different communities, among which are software, service providers, specialists, bounty hunters, and many others. Establishing trust takes time and effort which should be expended constantly. In the end, the goal is the same - to promote the implementation of and (voluntary) adherence to standards for vulnerability reporting, by the contracted parties and by ICANN itself.
- Recommendation 7, the adoption of business continuity and disaster recovery policies, plans and procedures, should be read in conjunction with Recommendations 2 and 5, discussed above. All of these recommendations (and others) support the overarching theme of bringing ICANN into alignment with InfoSec and operational security standards prevalent in

technology-centric organizations worldwide. Practices such as these have moved from “nice to have” to “must have” over the last several years; over the next several years, they will move to “negligent to do without.”

- Recommendation 8, representation of the “public interest” in negotiations with contracted parties, is a recommendation of particular importance to the ALAC and the At-Large Community, which in many ways represents the public interest in the broadest sense within the ICANN structure. Independent abuse and security experts must have a voice in how these issues are represented in ICANN’s contracts. In addition, end users, who are often most affected (even if not always first affected) by abuse and security incidents need a voice as well. In each case, these additional “seats at the table” must not be construed in ways that reduce efficiency, either in contract negotiations and adoption, or in performance..
- Recommendation 9, monitoring and enforcing contractual compliance, is critical, particularly in connection with Recommendation 8. A contract without compliance is only words on a page, with little or no value except as “contractual theatre.” This must be seen as a core SSR concern and not merely a legal one.
- Recommendation 10 echoes one of the ALAC’s current major topics -- the proper definition of DNS abuse. ICANN needs to take the lead in this area, rather than ceding this critical standard-setting activity to the contracted parties, no matter how well meaning they may be. If ICANN is to support the full implementation of the multistakeholder model, it must ensure that the full panoply of stakeholders are engaged and it must facilitate such engagement. However, Recommendation 10.2 should include a voice for end-users directly and not merely indirectly via consumer protection stakeholders. While end-users are in many cases consumers, they are much more than that. Recommendation 13 is a necessary companion to this Recommendation 10.
- Recommendation 12 on DNS abuse transparency, cautioning against implications which arise from the ongoing, complex relationship between GDPR and WHOIS/RDS; avoiding the paradoxical effect of “personal data” being protected while users and their assets are not. ● Recommendations 14 and 15 are aligned with another oft-stated concern of the ALAC -- that ICANN must actively define and promote metrics for actions and inactions in the DNS, including those of contracted parties. ALAC also notes that this is another necessary element of the suite of recommendations dealing with DNS abuse. Recommendation 22 is aligned with this concern as well.
- Recommendation 16 on privacy and RDS, with the above caveat related to Recommendation 12 in mind. The ALAC agrees emphatically with:
- Recommendation 17, on the avoidance of name collisions, which is particularly important for a diverse, global user base. During the 2012 New gTLD round, ICANN was somewhat taken by surprise with regard to name collisions and cannot afford for that to happen again.

- Recommendation 18, informing policy debate, for which increased engagement, attendance to meetings, and mutual participation are recommended, with organizations such as the IETF, IEEE, ACM, ISOC, and many other national and regional bodies, including universities and research centers. ICANN needs to take an active role in bringing information into the policy debates from the I* and other organizations relevant to the work of ICANN.

Finally, we support Recommendation 20 on the key rollover, recommending further that the experience gained from the COVID-19 pandemic be carefully considered.

The ALAC recommends that geopolitical and similar risks, including consumer and citizen sentiment in different jurisdictions, be given a stronger consideration with the implication of maintaining a constant, high level of short, medium and long term situational awareness with as many relevant parties as possible. As noted before, regarding the recommendations not specifically mentioned here, the ALAC supports them “as is”, with no further comment. In closing, the ALAC once again thanks the SSR2 Review Team for an important and highly relevant report, while noting with caution that implementation of the report is the most critical element of all, and one that is outside the remit of SSR2.

The ALAC looks to ICANN org to make this Final Report (and the SSR1 Report) a reality with regard to each recommendation.