

Responses to the GNSO Council Small Team on DNS Abuse

ICANN Contractual Compliance

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Introduction

This document responds to the following written questions that the Generic Names Supporting Organization (GNSO) Council DNS Abuse Small Team (DNS Abuse Small Team) posed to ICANN Contractual Compliance (ICANN Compliance):

“Given the 2024 amendments to the Registry Agreement (RA) and Registrar Accreditation Agreement (RAA) regarding DNS Abuse mitigation obligations have been in effect for over a year (i.e. since 5 April 2024), the GNSO Council Small Team on DNS Abuse would like to know as follows:

1. Is ICANN Contractual Compliance able to articulate whether the said amendments have been effective in facilitating clearance of complaints received by ICANN since 5 April 2024? In particular, can examples be provided to demonstrate how the amendments have enabled ICANN Contractual Compliance to take action against any non-complying registry and/or registrar, which action ICANN Contractual Compliance was unable to take prior to the amendments coming into effect?

2. What steps is ICANN Contractual Compliance taking to examine and report on remaining gaps in its monitoring and measuring the performance of registries and registrars against their DNS Abuse mitigation obligations since the amendments came into effect?

3. What additional tools might ICANN Contractual Compliance need to (further) improve its ability to enforce the RA or RAA in the event non-compliance is identified?”

GNSO Council's Question 1:

Is ICANN Contractual Compliance able to articulate whether the said amendments have been effective in facilitating clearance of complaints received by ICANN since 5 April 2024? In particular, can examples be provided to demonstrate how the amendments have enabled ICANN Contractual Compliance to take action against any non-complying registry and/or registrar, which action ICANN Contractual Compliance was unable to take prior to the amendments coming into effect?

The 5 April 2024 [global amendments](#) to the Registrar Accreditation Agreement (RAA) and the Base Registry Agreement (RA) (DNS Abuse Amendments) introduced requirements concerning the mitigation of DNS Abuse¹ that were previously absent from the RAA and the RA. Upon their effective date, ICANN Contractual Compliance (ICANN Compliance) commenced vigorous enforcement of these new requirements.

A case in point involves the top-level domain (TLD) .top. For years, this TLD has been associated with persistent DNS Abuse. Prior to the DNS Abuse Amendments, the .top RA did not include provisions mandating DNS Abuse mitigation activities. Shortly after the new requirements became effective, ICANN Compliance took enforcement actions against this TLD which led the Registry Operator to develop and implement systems and processes to comply with the new requirements. This intervention resulted in a marked reduction in reported abuse associated with this TLD detected through Domain Metrica and other DNS abuse monitoring systems. ICANN Compliance published a [blog post](#) with additional details, including the hundreds of thousands of domain names mitigated following the Registry Operator's actions to address the enforcement action and the monitoring activities that will follow.

Beyond the .top example, ICANN Compliance presented a [webinar](#) with highlights from our enforcement activities in the first year post-DNS Abuse Amendments. During this webinar, ICANN Compliance provided information concerning the 330 investigations launched under the new requirements, the thousands of malicious domain names mitigated as a result, the 27 remediation plans completed, and the multiple outreach and training activities ICANN Compliance participated in to raise awareness of the

¹ For the purpose of the RAA and the RA, *DNS Abuse* means malware, botnets, phishing, pharming, and spam (when spam is used as a delivery mechanism for any of the other four types of DNS Abuse) as these terms are defined in Section 2.1 of the Security and Stability Advisory Committee Report on an Interoperable Approach to Addressing Abuse Handling in the DNS (SAC 115).

requirements and promote compliance with them. All of these actions were based on requirements that did not exist before the DNS Abuse Amendments.

GNSO Council’s Question 2:

What steps is ICANN Contractual Compliance taking to examine and report on remaining gaps in its monitoring and measuring the performance of registries and registrars against their DNS Abuse mitigation obligations since the amendments came into effect?

ICANN Compliance understands that this question concerns the additional steps we are taking to identify improvements and enhance our enforcement and reporting related to DNS Abuse mitigation requirements. Below is our response based on that understanding. If this is not the question the DNS Abuse Small Team intended, we welcome clarification so we can address the intended inquiry appropriately.

As explained during the webinar, ICANN Compliance has robust processes and systems in place for complaint-based enforcement, along with a dedicated [audit program](#) featuring two audit rounds per year. As of the date of this document, one registry audit is nearing completion, and one registrar audit is about to commence. Both audits include DNS Abuse mitigation requirements.

In addition to addressing specific complaints, ICANN Compliance monitors for patterns of non-compliance—even in the absence of a complaint—and takes action as warranted. In cases when ICANN determines that a contracted party must resolve a critical issue immediately, an escalated notice is sent. Failure to adequately respond to an escalated notice may result in a breach notice, the scope of which depends on the collaboration, completeness and remediation time from the contracted party. As an additional step, we are designing a structured, proactive monitoring process that will involve regular investigations informed by the same types of data sources (including online resources of reported DNS Abuse and tools developed by ICANN’s OCTO team, such as Domain Metrica), as well as insights from our complaint processes. This new process will be fully integrated into our daily operations with all relevant data captured for public reporting.

Regarding reporting, ICANN Compliance publishes regular reports dedicated to DNS Abuse mitigation enforcement. As noted in the [blog post](#) accompanying the launch of these reports, ICANN Compliance welcomes community feedback. Any feedback

received is reviewed, and, where feasible, additional enhancements to our metrics and reporting are implemented.

GNSO Council's Question 3:

What additional tools might ICANN Contractual Compliance need to (further) improve its ability to enforce the RA or RAA in the event non-compliance is identified.

ICANN Compliance has the necessary processes, systems, and a dedicated team to enforce the requirements of the RA and RAA whenever non-compliance is identified. Our commitment to consistent and transparent enforcement has been demonstrated through the specific results shared in the webinar, as well as in our previous responses within this document.

ICANN Compliance has the tools needed to enforce the current requirements in the RAA and RA. Nonetheless, our dedication to continuous improvement drives us to further enhance our enforcement framework. We are developing new tools and strategies, including proactive enforcement initiatives and expanded educational and communication resources for reporting parties. We also continue to improve team training and our reporting processes.

If the community decides to introduce additional requirements to further strengthen the agreements in the context of DNS Abuse, we will enforce those new requirements with the same rigor as we do today.

In summary, we have the tools, processes, and commitment needed to enforce the current requirements in the RAA and RA, and we are prepared to evolve alongside the needs of the community.





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