



Comment on Proposed Framework for Global Public Interest at ICANN

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Business Constituency Submission

GNSO//CSG//BC

Background

This document is the response of the ICANN Business Constituency (BC), from the perspective of business users and registrants, as defined in our Charter:

The mission of the Business Constituency is to ensure that ICANN policy positions are consistent with the development of an Internet that:

1. promotes end-user confidence because it is a safe place to conduct business
2. is competitive in the supply of registry and registrar and related services
3. is technically stable, secure and reliable.

BC comment on Proposed Framework for Global Public Interest at ICANN¹

The ICANN Board identified Global Public Interest (GPI) as a 2019 operational priority and put out a discussion paper on a [proposed GPI framework](#). Reaching a clear and future-proof definition of the 'global public interest' through ICANN's bottom-up process will be extremely challenging, and in the absence of a single, agreed definition, we need a few "tools" or a checklist to help ICANN Org and community.

The BC supports the proposed framework and tools as a useful start, but we do not believe a framework alone is adequate to define and help safeguard Global Public Interest for ICANN.

First, we require discussion of which 'public' ICANN is here to serve. The 'public' part of public interest needs to reflect the global internet community, including those who are not deeply involved at ICANN. The global internet community comprises individuals, enterprises, governments, suppliers, consumers, innovators and network providers from all over the world, both those who are actively involved in the domain name and IP address supply chain, and those who are reliant on its proper functioning. There are a broader set of stakeholders who have a public interest stake beyond those receiving the results of a DNS query. The BC believes that the draft would be improved with a statement that reflects an understanding of which 'global public' ICANN is there to serve, and that such public should extend beyond those that are currently participating actively in ICANN.

Second, the BC is concerned that the current draft appears to be only narrowly focused on the DNS, and not on IP addresses or other aspects that form part of the post-transition IANA. Further, given that ICANN's new strategy is actively looking towards identifier systems that may be adopted in the future, it is important that any framework is wide enough to cover future unique identifiers, while fitting within ICANN's scope as set out in the Bylaws.

¹ ICANN public consultation page at <https://community.icann.org/display/prixplrpublicint/GPI+Toolkit>

Finally, the BC has previously suggested a workable definition of the Global Public Interest:

In ICANN's context and limited mission, the Global Public Interest should be measured in terms of the integrity and availability of registrations and resolutions.

The 'public' part of public interest needs to be concerned more with actual and potential users and registrants, and less concerned with contracted parties and others who are deeply involved at ICANN.

The public interest in ICANN decisions is broader than just to ensure a secure and stable DNS. Namely, users and registrants want ICANN to make sure the global system of the internet's unique identifiers delivers two essential and measurable qualities in Registrations and Resolutions: **Availability and Integrity**.

The terms used in the 'public interest categories' column—stable, security, open, resilient interoperable etc.—serve as a useful guide as to the qualities that any decision or outcome must satisfy. These could be improved with the addition of **Availability and Integrity**, two essential and measurable qualities in unique identifiers.

Availability of the Internet's unique identifiers is critical for the global public who increasingly rely on the Internet for information, communications, and commerce. The global system of the internet's unique identifiers needs to be available 24 hours a day, 365 days a year, from anywhere on the globe—even if individual domain names, or IP addresses are temporarily unavailable or unable to function (e.g. as a result of a DDoS or other cyberattack). Availability also means being able to use any script for both generic and country-code domains and email addresses, as well as taking full advantage of new gTLDs.

An important initiative that has gained traction in the past few years in this sense is that of **Universal Acceptance**, which aims to align the many stakeholders that need to be involved to achieve true availability of domain names and email addresses. It is certainly within the global public interest that this subject is given priority and receives significant institutional support, with ICANN Org and the Board paying attention to the issues that are being brought up by the universal acceptance community, as well as the security, business, and consumer protection community.

In order to fulfill the goal of maintaining a market for domain names that are relevant across the globe, the universal acceptance of all domain names needs to be given more consideration moving forward. Data recently surfaced by the UASG has shown that the acceptance rate of new gTLDs with names longer than 4 letters (newlongs) is currently at 84%, with IDNs at only a 50% rate of acceptance².

Availability can also apply to domain names sought by registrants: will domains in new gTLDs be available to the public, or will they be captured by registry operators and domain industry insiders? That kind of availability should also be part of the global public interest test for ICANN decisions.

Integrity of the Internet's unique identifiers is vital to the global public. For example, global stakeholders rely upon the integrity of registration, resolution and services for the Internet's systems of unique identifiers and this will continue in the foreseeable future even as the visibility of the DNS may recede and other unique identifier systems arise (for example, to support IoT or smart cities).

² <https://uasg.tech/wp-content/uploads/documents/UASG025-en-digital.pdf>

Internet users depend upon the integrity of domain name services to provide accurate and authentic results when they look up a website or send an email. Even mobile apps that hide these transactions within their walled gardens are often completely reliant on the integrity of the DNS.

This integrity is being undermined by deceptive practices and abuse of unique identifiers. For example, the use of domain names for deceptive purposes including fraud and DNS abuse harms individuals, businesses, organizations and governments, and undermines the stability and security of the internet.

It is essential that ICANN provides reliable, persistent, timely data from which abuse and security threat analyses can be performed. It also is essential that ICANN executes and evolves its obligations to mitigate abuse of unique identifiers.

Therefore, this term is too important to leave undefined or let a few individuals define it to fit their own agenda. If we allow 'public interest' to mean anything and everything, it will end up meaning nothing at all.

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This comment was drafted by Steve DelBianco, Mark Datysgeld, and Denise Michel.

It was approved in accord with the BC Charter.