

**Subject:** BC comment on Early Warning for Root Zone Scaling

**Date:** Monday, November 30, 2020 at 4:10:12 PM Eastern Standard Time

**From:** Steve DelBianco

**To:** comments-recommendations-early-warning-root-scaling-05oct20@icann.org

The ICANN Business Constituency (BC) supports ICANN Org's Recommendations for Early Warning for Root Zone Scaling.

We agree that periodic discussion, initially triggered by rate thresholds and then falling back to a recurring calendar event, is the best way to monitor the root as it scales.

The BC remains concerned with the acute issue of DNS abuse, which was listed among concerns that motivate these recommendations, "Anti-abuse communities and law enforcement agencies could have trouble dealing with a greatly increased number of new gTLDs".

History shows that TLD expansion, in cases involving stunningly lax registry operators, brought an increase in the prevalence of DNS abuse. The BC has learned this is primarily attributable to: intentionally inexpensive registration pricing; lack of registry self-policing; and ineffectual enforcement of registry contract language by ICANN Compliance.

ICANN Org now is in a position to take pre-emptive action against DNS abuse. First, ICANN Org should assertively enforce its registry agreement language. Should Compliance find that contract language is ineffectual, such language should be strengthened as a part of new agreements (and eventually applied retroactively to current registry operators). Further, ICANN Org should consider incorporating abuse mitigation measures (on its own part and on the part of registry operators) as a prerequisite to or an element of new gTLD applications.

On the more narrow issue of rate-limiting, ICANN Org should monitor for DNS abuse as an element of any new gTLD rollout. It should do so not *only* by monitoring third-party data providers, but also by mandated, frequent and enforceable self-reporting mechanisms from registry operators, and by its own monitoring by the Office of the CTO. These measures would be welcomed by the BC and the broader community as a demonstration that ICANN is taking abuse mitigation seriously and is committed to namespaces that are as free from abuse as possible.

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This comment was drafted by Mark Svancarek, Mason Cole, and Waudu Siganga.  
It was approved in accord with the BC Charter.