

**WORK PLAN DETAILS**  
**GAC PUBLIC SAFETY WORKING GROUP (PSWG)**

**CLOSED MEETING AT ICANN 54, 19 OCTOBER 2015, 17:00 TO 18:30, DUBLIN**

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**ACTION ITEMS**

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- **IP WHOIS accuracy:** PSWG Co-Chairs to send the IP WHOIS accuracy draft letter for NRO to the GAC for discussion and comments. Thereafter engage in discussions with the Regional Internet Registries (RIRs) on Internet Protocol (IP) WHOIS in Marrakech. **November 30, 2015 UPDATE:** After further discussion and input from GAC representatives, instead of the draft letter, the PSWG elected to send an invitation to the NRO to discuss issues of IP WHOIS accuracy at the next ICANN meeting in Marrakech.
- **WHOIS case studies:** Gregory Mounier, Europol, to develop a framework for case studies and provide updates to the PSWG as needed; PSWG members to contact Gregory to contribute case studies and relevant contacts.
- **Harmonizing requests to registrars and registries:** the United Kingdom and Thailand to propose way to work towards standardizing WHOIS and domain suspension requests by law enforcement agencies (LEAs) to registries and registrars, notably by looking into the possibility of standard templates for WHOIS requests and domain suspension requests. Currently, LEA requests to registrars and registries differ widely as to formats, timelines and content, which creates difficulties for registrars and registries and hinders cooperation with LEAs.
- **Outreach** next steps will include:
  - Organizing an inter-sessional meeting of PSWG in Europe in January 2016. The European Commission will host this meeting.
  - Inviting local public safety agencies to meet at ICANN 55 in Marrakech;
  - Continuing to promote ICANN's fellowship program;
  - Leveraging memberships of AUC, CoE, OAS, EC as well as INTERPOL and Europol to raise awareness and conduct outreach activities of PSWG work;
  - Encouraging all relevant public safety organizations to join the PSWG, including data protection experts, consumer protection agencies and other subject matter experts;
  - Ensuring the coordination of PSWG work with GAC Working Group on Human Rights and International Law through the PSWG Co-Chairs to avoid overlaps and potential conflicts.
  - In collaboration with ICANN and the GAC under-served Regions working group, organise a capacity building session for LEA. The AUC will host this session.
- **Registry Agreement Security Framework (Specification 11):** Jon Flaherty from the UK will invite the PSWG to review drafts of the framework at the end of 2015 and in the first quarter of 2016.
- **Registrar Accreditation Agreement (RAA) 3.18 Addendum for Illegal/Counterfeit Drug**

**Reporting to ICANN Compliance:** PSWG will review proposal by Dan Burke, US Food and Drug Administration (FDA) on a proposal to fast track certain prioritized complaint to ICANN Contract Compliance.

- **New gTLD Competition, Consumer Choice and Consumer Trust Review:** Laureen Kapin from the US Federal Trade Commission (FTC) to apply to be on the review team and liaise with the PSWG. PSWG Co-Chairs to inform the GAC Chair of relevance of a PSWG member being on the review team.

## SUMMARY OF THE MEETING

Alice Munyua, Chair of the PSWG, introduced the meeting's agenda and focus on the PSWG's work plan, including a discussion of the group's participation in GNSO policy development processes (PDPs) and in the Affirmation of Commitments (AoC) Review.

Wanawit Akhuputra, co-Chair of the PSWG, introduced items on the draft work plan that have been accomplished to date, notably the PSWG Terms of Reference endorsed by the GAC in June 2015 in Buenos Aires; PSWG comments on the WHOIS Accuracy Program Specification Review submitted in August 2015; and PSWG comments on Next Generation Registration Directory Services submitted in August 2015. The PSWG has also held its second face-to-face PSWG meeting on 10 September 2015 in Washington DC.

### IP ADDRESS WHOIS ACCURACY - REQUEST TO NUMBERING RESOURCE ORGANISATION (NRO)

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**Lead:** Bobby Flaim, US Federal Bureau of Investigation (FBI)

**Importance of IP address WHOIS is important for attribution on the Internet:** The PSWG discussed the relevance of IP WHOIS to its work and the rationale for reaching out to the Regional Internet Registries (RIRs). PSWG members have been working with ICANN, domain name registries and registrars on DNS WHOIS. Yet since IP addresses identify all devices on the Internet, IP address WHOIS is at least as important for attribution and transparency on the Internet. IP address WHOIS policy is developed regionally by the RIRs, which are membership-based organisations. There is no consistent and comprehensive IP WHOIS accuracy policy. The goal of the PSWG is to work with RIRs to encourage incremental, voluntary improvements of IP WHOIS accuracy policy in what is foreseen as a multi-year process.

**The membership-based RIRs are the main actors for IP WHOIS policy:** RIRs allocate addresses to their member ISPs, Local Internet Registries, companies etc (who then re-assign addresses downwards to their own customers). RIRs conclude basic contracts with members (called "Registry Service Agreement" in some regions). These contracts are supplemented by IP addressing policies, developed in open, bottom-up and transparent regional policy forums. When needed, the RIRs also work on global address policies together, through the NRO / ASO (Number Resource Organization / Address Supporting Organization). Global address policies are policies that require the involvement of ICANN, IANA, and all the RIRs for implementation.

**Several factors make it timely to look into more holistic voluntary policies and practices for IP address WHOIS tracking and accuracy at a global level:**

1. The IETF has drafted a new protocol called Registration Data Access Protocol (RDAP) to look up relevant registration data for Internet names and numbers (intended to be the WHOIS

successor). RDAP is already being implemented and the information it provides will depend on the policies developed by the RIRs for number resources and by ICANN for names resources. RDAP thus provides an opportunity to encourage a more holistic approach for both DNS WHOIS accuracy and IP address WHOIS accuracy.

2. The developing secondary market for IPv4 addresses leads to growing transfers of IPv4 address blocks that are not necessarily recorded, potentially further degrading the accuracy of IP WHOIS information.
3. The deployment of IPv6 increases the issues since IPv6 allows the allocation of very large blocks, which are then sub-delegated (by ISPs, Local Internet registries, companies etc.) into many more sub-levels of IP addresses that are not necessarily recorded or verified.

**Further develop existing good IP address WHOIS recording practices:** PSWG discussants noted that there are some existing policies and practices within the RIRs. In the RIPE region for example, hosting providers are voluntarily providing detailed, granular, WHOIS IPv4 sub-delegation information (although contact information is often inaccurate, as with the DNS WHOIS). The goal of the PSWG would be to seek more harmonization and across all regions.

**Discussions are needed on ways to enforce accuracy of IP WHOIS information:** On verifying the accuracy of WHOIS information, RIRs have different processes. For example, ARIN in North America sends an email yearly to the listed point of contact, but obtains few validations or responses and, as many other Internet bodies, has no real enforcement mechanism in place. The PSWG wishes to highlight how this particular issue is relevant to public safety agencies and discuss with the RIRs possible ways to improve accuracy of IP WHOIS globally and consistently.

**Next step:** Send the IP WHOIS accuracy draft letter for NRO to the GAC for comments. **See November update above** (invitation to discuss issues in Marrakech issues instead of letter).

#### **DEVELOPING CASE STUDIES ON THE USE OF WHOIS FOR PUBLIC SAFETY**

**Lead:** Gregory Mounier, Europol.

**Case studies will illustrate real-life use of WHOIS in criminal investigations:** Public safety agencies rely on WHOIS in their investigations as one of the tools to attribute abuse and/or criminal activity. At its 10 September 2015 meeting in Washington DC, the PSWG identified the need to collect and communicate case studies to help explain to the community why the PSWG is asking that WHOIS data be verified and validated. The case studies will illustrate how WHOIS data can help with crime attribution in investigations involving fraud and consumer protection, botnets, child exploitation, or public health issues (e.g. harmful counterfeit drugs).

**Illustrating the importance of accurate and reliable DNS and IP WHOIS data:** Varied examples could be given, including cases that used IP WHOIS, DNS WHOIS, both DNS and IP WHOIS together as well as cases involving privacy and proxy services. **Investigations are international and many involve private sector partners:** The need to use international case studies was highlighted, to illustrate the worldwide reliance on this data. Members from the CoE and Interpol offered to liaise inside their organizations for to provide possible case studies. Participants added that cybercrime investigations increasingly rely on public-private cooperation. Spamhaus is a good example of a private operational security organization that works with public safety agencies and others to highlight abuse on the Internet. The goal would be to have a living document containing a variety of examples that would be updated for PSWG meetings.

**Next steps:**

- Gregory Mounier to spearhead this exercise by developing a framework for case studies that would form a living document. He will provide updates to the PSWG as needed.
- PSWG members were invited to contact Gregory to contribute case studies and to put him in touch with relevant contacts in the CoE, Interpol or within public-private cybercrime endeavors.

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**ENCOURAGING CLOSER INTERNATIONAL COLLABORATION AMONG PUBLIC SAFETY AGENCIES TO SOLICIT SUPPORT FROM REGISTRARS AND REGISTRIES**

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**Leads:** United Kingdom and Thailand

**Working towards standardizing requests to registries and registrars:** The group discussed how to encourage closer collaboration among regulators as to how to solicit support from registrars and registries. Specifically, the PSWG will work towards standardizing requests by law enforcement agencies (LEAs) to registries and registrars, notably by looking into the possibility of standard templates for WHOIS requests and domain suspension requests. Currently, LEA requests to registrars differ widely as to formats, timelines and content, which creates difficulties for registrars and hinders cooperation with LEAs.

In the UK, workshops with both PSWG and registries/registrars are being planned. The U.K. emphasized the value of involving relevant private sector organizations (notably registrars and registries) and of building trust relationships with them. The U.K. will provide feedback to the wider group on this initiative.

**Next step:** The United Kingdom and Thailand to propose a way forward.

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**OUTREACH**

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**Leads:** United Kingdom and Thailand, as well as AUC, EC, OAS, INTERPOL and Europol

Outreach to members from developing countries was identified as critical and the discussion identified several main activities.

**At ICANN meetings, inviting host country public safety agencies:** The PSWG started in Buenos Aires in June 2015 and plans to continue to regularly organize meetings with local law enforcement and other public safety agencies from the countries in which ICANN meets. The PSWG plans to progressively build its network and collect and share these national experiences.

**Organizing inter-sessional meetings:** The first inter-sessional meeting was hosted by the Organization of American States, which also invited its members to participate. Inviting regional participation in inter-sessional meetings was viewed as a good practice for the PSWG, including at the next meeting to take place in Europe in January 2016. The AUC has offered to host the next PSWG inter-sessional meeting.

**Leveraging membership base of regional and international organizations for outreach to developing countries:** The discussion highlighted the key role for outreach of the African Union Commission (AUC), Organization of American States (OAS), European Commission (EC) and Council of Europe (CoE), as well as Interpol and Europol. The AUC, CoE, and INTERPOL, for instance, have instruments (e.g. Conventions, Declarations) and meetings planned where outreach can take place

and where requests for contributions to the PSWG's work can be made (e.g. case studies).

**Conducting outreach beyond law enforcement and beyond government:** The PSWG discussed what constitute "public safety" organizations, notably the relevance of agencies in charge of protecting personal data, intellectual property or health and online pharmacies. The group also discussed the value of conducting outreach towards a wider array of public safety organizations from the private sector or public-private partnerships (e.g. CERTs). It was emphasized, however, that PSWG membership should remain government-only.

**Encouraging participation from developing countries through ICANN's fellowship program:** Encouraging applications by public safety organizations in developing countries was viewed as a good way to encourage participation by a wider base. The PSWG plans to send out information on applying to the ICANN Fellowship Program before every meeting.

**Next step(s):**

- Organize meeting with local public safety agencies at ICANN 55 in Marrakech
- Organize inter-sessional meeting in Europe in January 2016.
- AUC and CoE will raise awareness of PSWG work and meetings among their memberships, as will the OAS, the EC, INTERPOL and Europol.

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**REGISTRY AGREEMENT – NEW GTLD SECURITY FRAMEWORK "SPECIFICATION 11":**

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**Lead:** Jon Flaherty, UK National Crime Agency

The PSWG is contributing to the work of the drafting team for the [Specification 11 Security Framework](#). John Flaherty provided background on this framework of best practices for registry operators to conduct periodic security checks, respond to security threats (malware, botnets, phishing) and report to ICANN.

He shared some concern about the slow pace to date of the work and the large number of registry contracts signed since 2013 without the security framework being in place. He reminded participants that the GAC PSWG has contributed an options paper around security FAQs to registries but that the framework for registries to respond to security threats will rely on registry input. He noted that concern about brand reputation and possible legal obligations may be hindering registry response rates.

**Next steps:** The PSWG will be asked to review drafts of the framework. On the current timeline, a first draft should be ready in mid-December 2015 and a revised draft at the end of January 2016. A final document should be ready for public comments during the first quarter of 2016.

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**REGISTRAR ACCREDITATION AGREEMENT -- ADDENDUM FOR ILLEGAL/COUNTERFEIT DRUG REPORTING TO ICANN CONTRACT COMPLIANCE**

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**Lead:** Dan Burke, United States Food and Drug Administration (FDA).

The PSWG discussed the problem of illegal/counterfeit drug websites. They said that in a great majority of cases, abuse is blatant and the same template is used on thousands of websites. They reported that to date there has been little action by registrars and ICANN Compliance, although the Registrar Accreditation Agreement (RAA) section 3.18 specifies that registrars must investigate

reports of abuse.

PSWG members therefore plan to propose an addendum to the RAA that would require that registrars notify registrants and ask for evidence of a valid pharmacy license and would help clarify how ICANN compliance should act on complaints of illegal/counterfeit drugs. The draft is being developed by the United States (FDA), the European Union (Head of Section for Pharmaceutical Care, Consumer Health Protection and Anti-Counterfeiting – EDQM) and Italy.

This work was linked to activities such as the CoE Convention on Medicrime. The need to ensure that generic drugs are not unfairly caught as part of “illegal and counterfeit drugs” was emphasized.

**Next step:** The United States will present the draft document to the PSWG for input.

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## COMPETITION, CONSUMER CHOICE AND CONSUMER TRUST REVIEW

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**Lead:** Laureen Kapin, United States Federal Trade Commission (FTC).

It will be critical for the PSWG to provide input into the review of the first round of new gTLDs, notably the [new gTLD Competition, Consumer Choice and Consumer Trust Review](#) mandated by the AoC. The PSWG agreed that it would be desirable to be represented on the review team to be in a position to help shape the review, rather than comment *ex post*. From the PSWG, Laureen Kapin (US FTC) will apply to be on the Review Team. Then the ICANN CEO and GAC Chair will select the team members from among applicants. The GAC (and other AC/SOs) can elect to support a candidate.

**Next step:** PSWG Co-Chairs to communicate to GAC Chair and the GAC the relevance of a PSWG member being on the review team.

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## APPENDIX: PARTICIPANTS

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Co-Chair: Alice Munyua, African Union Commission (AUC)  
Co-Chair: Wanawit Akhuputra, Thailand  
Carmen Alvarez, US Department of Justice (DOJ)  
Cathryn Bauer-Bulst, European Commission (EC)  
Fabien Betremieux, ICANN staff supporting Spec 11 initiative  
Christian Dumas, Quebec Provincial Police  
Bobby Flaim, US Federal Bureau of Investigations (FBI)  
Jim Emerson, International Association of Chiefs of Police (IACP)  
Mike Freeman, US Drug Enforcement Administration (DEA)  
Artthawit Hung, ThaiCERT  
Laureen Kapin, US Federal Trade Commission (FTC)  
Iranga Kahangama, US Federal Bureau of Investigations (FBI)  
Pitinan Kooarmornpatana, GAC Thailand  
Adrian Koster, Swiss Government Critical Information Infrastructure Protection Unit  
Kimmo Ulkuniemi, INTERPOL Global Complex For Innovation  
Ajay Kumar, Government of India  
John Flaherty, UK National Crime Agency (NCA)  
Alexander Malesho, Organization for Security and Cooperation in Europe (OSCE)  
Bjorn McClintock, INTERPOL (General Secretariat)  
Gregory Mounier, Europol  
Karine Perset, ICANN GAC staff  
Hubert Schoettner, Germany

Nick Shorey, UK NCA

Russel Richardson, Cayman Islands Information technology authority