

## Registrar Stakeholder Group Comments on the European Commission's "Study on Domain Name System (DNS) Abuse"

The RrSG (the Association of the Registrar Stakeholder Group e.V., an association with a registered office in Bonn, Germany) represents ICANN-accredited domain name registrars (Registrars) from all across the world. Registrars play an essential part in the domain name system (DNS) to allow individuals and entities to register domain names and engage on the global Internet.

We would like to first thank the Commission for recognizing the importance of the domain name system and for undertaking a timely study to assess the scope, impact, and magnitude of DNS abuse. However, our members have a number of considerable concerns that we feel need to be on the record for your and others' consideration.

At the outset, we would like to note the comments provided by eco (Association of the Internet Industry) and CENTR, and that we agree with much of the concerns outlined in their input.

Specifically, the way the study defines DNS abuse as "any activity that makes use of domain names or the DNS protocol to carry out harmful or illegal activity." We find this definition problematic as it defines "DNS abuse" as *anything* pertaining to the Internet. Further, as a stand-alone definition, there are those who can and will point to this definition as a rationale for advocating and even demanding that Registrars take action against abusive online activities that are either not in our capability to address or otherwise not appropriate for action at the Registrar level.

On that subject, we applaud the study for recognizing that not all instances of "DNS abuse" (as defined in the study) are areas in which Registrars are best placed to address. Alternatively put, there are different Internet infrastructure providers that are much better placed to address certain types of abuse than others, including internet service providers (ISPs), web hosting companies, and email providers. However, despite this recognition, the definition as formulated in the study diminishes the otherwise useful findings articulated therein and distracts from the valid conclusions made by the study.

The RrSG is also concerned that the findings of the study do not match up with the recommendations. Namely, the over-emphasis on access to domain name registration data, which is not supported by the findings in the technical study. Further, those recommendations specific to domain name registration fail to recognize the difficulties placed on Registrars vis-à-vis compliance with GDPR and whether what is being recommended in the study outweighs the rights of data subjects.

In sum, we find the European Commission's "Study on Domain Name System (DNS) Abuse" very useful in many areas that are covered, however, the RrSG finds it unfortunate that the subject of DNS abuse is defined in an overly encompassing manner that will distract from the

positive aspects of the study and give ammunition to those who wish to address abuse practices at inappropriate levels of the Internet ecosystem. We are also dismayed that the study puts such an emphasis on access to domain name registration data that is unsubstantiated by the study's findings—and that it does so without any consideration to the impact such recommendations will have on Registrars' ability to comply with GDPR *or* on that of the data subject, whether a European natural person or not.

Please know that the RrSG and its members stand ready to participate in any further study related to the DNS system that the Commission may conduct.

We thank you for your kind consideration of these concerns and welcome the opportunity to discuss these further.

Sincerely,

Ashley Heineman

RrSG Chair