



children's charities' coalition on internet safety
 10 Great Queen Street, London, WC2B 5DG

A briefing

ICANN – a huge disappointment and a worry

In November, 2015 “One in Three” was published by the Global Commission on Internet Governance and the UK-based Royal Institution for International Affairs (Chatham House). It established that 1 in 3 of all human internet users is a child, that is to say a person below the age of 18. This rises to closer to 1 in 2 in parts of the developing world.

Thus, whatever else we might believe, imagine or want the internet to be it is unquestionably a medium for children and families. Yet you would find precious little recognition or acceptance of this fact if you looked closely at the workings of various internet governance institutions, most notably the Internet Corporation for Assigned Names and Numbers (ICANN). ICANN is the global body with responsibility for running key parts of the internet. It is legally domiciled in California.

Inter alia, one of ICANN's tasks is “keeping the internet secure”. As you will see it has definitely *not* been keeping the internet secure for children. On the contrary ICANN shows complete indifference towards children's safety. This has led to real dangers that ICANN could have prevented or mitigated.

ICANN's revenues are derived from the sale of website addresses (domain names). The money reaches ICANN via Registries and Registrars who are therefore its effective paymasters.

ICANN's operational budget for 2017 stands at around \$132 million of which US\$ 128 million is derived from fees paid by Registrars and Registries. One Registry (Verisign) and one Registrar (Go Daddy) between them account for over 40% of ICANN's operational income in the current year.

George Bernard Shaw famously said all professions are a conspiracy against the laity. ICANN has taken this idea to new heights with its labyrinthine, obscure and protracted processes all of which appear to conspire to preserve the status quo or slow down the rate of change to the greatest extent possible in favour of the economic interests of Registries, Registrars and ICANN itself.

Historically, aside from country codes that are the responsibility of national governments, there were only a handful of so-called “generic top level domains” (gTLDs) e.g. .com, .net and .org.

In 2012 ICANN initiated a process to allow the creation of over 1,000 new gTLDs. ICANN decided “.kids” would be one of them.

gTLDs are operated by Registries who, typically following a bidding process, are granted that status when they enter into a contract with ICANN. It is open to ICANN to insert Terms and Conditions into the contract which are binding on the Registry, Registrars and anyone who subsequently buys an individual website address within the domain.

The children’s organizations have been tracking the (slow) progress being made by ICANN to determine who would finally be awarded the contract to operate .kids. Amazon and Google are two of the businesses in contention for the domain in the English language. In fact the matter is still unresolved but, by chance, we recently discovered that ICANN had, in fact, already let “.kids” in Cyrillic Script. It has gone to a Russian organization. On learning about this we wrote to ask the Russian Registry some questions . Below we reproduce the entirety of the relevant text.

1. Do you make any stipulations about who may buy a .kids domain name e.g. nobody with criminal convictions, or convictions for child sex offences? And if you do, do you carry out any checks to make sure the people meet those criteria?

Answer: No.

2. Do you make any stipulations about who may work for a business or organization operating a .kids domain name e.g. nobody with criminal convictions, or convictions for child sex offences? And if you do, do you carry out any checks to make sure the people meet those criteria?

Answer: No.

While at the time of writing we have no information which suggests anything untoward has happened with any Russian .kids websites, and we understand the volume of sales has been low so far, the matter should never have been left open in that way. When ICANN let the contract it could have included clauses which would have made it a contractual obligation to carry out the sort of checks mentioned. The fact that ICANN did not do this illustrates a degree of carelessness about children’s well-being which is tantamount to gross negligence.

What happened with .kids in Russian stands in sharp contrast to what happened with .pharmacy, .bank and .insurance.

In these instances, fearful of the consequences of bad actors being able to buy and run websites within these newly created domains, pharmaceutical, banking and insurance interests combined to establish what are now known as “Verified Top Level Domains”. In order to be able to buy a web address within any of these domains the individuals or entities concerned have to go through a pre-approval process to determine they are fit and proper and appropriately qualified to hold themselves out as pharmacists, bankers or insurance agents. There are no known instances of a bad actor acquiring one of these domains.

How did the banks, pharmacies and insurance companies manage to do this? It happened because the banking, insurance and pharmaceuticals industries (a) had an established presence within ICANN and therefore knew what was going on, what the deadlines were etc. and (b) had the financial wherewithal to employ the necessary, lawyers, lobbyists and staffers to deliver this obviously desirable result.

The children's organizations had no similarly endowed interlocutors. What is truly shocking, therefore, is no one within ICANN acknowledged they had an institutional obligation to ensure children's interests were properly safeguarded in an equivalent or proximate manner. While clearly we have no objection in principle to ICANN creating a .kids domain or indeed any other domains which might pitch directly to children and young people, if ICANN chooses to step into this space at the very least they should be certain they will do no harm. By their failure to act appropriately they may well have done just that.

Moreover while we are confident that Amazon and Google would do the right thing whichever of them was the eventual winner, matters of this kind should not be discretionary or optional. We hope it will be possible for ICANN to be persuaded to change the terms of .kids contracts in every language and for this to become the rule in any other new gTLDs which may be established in the future where there is a clear orientation towards children. Perhaps there is even a case for extending the principle to every child focused web site, irrespective of the domain. The very large presence of children on the internet is ample justification.

The second major failure on ICANN's part in respect of children's interests is starkly illustrated when we look at what has been with happening with the distribution of child abuse images on the internet.

Down the years the domain where the lion's share of child abuse images have been found is .com, owned by Verisign (see above). Today the Internet Watch Foundation, the UK's hotline has released numbers which show that in amongst some of the other domains that ICANN allowed to be created post-2012, criminals have started spreading child abuse images on a significant scale.

In 2016 the IWF took action against 272 websites within the new domains involving over 1,550 web addresses. This represents an increase of over 200% and almost 400% on last year demonstrating that a trend is being established and it's gathering pace. The IWF commented that some of the domains within the new gTLDs appeared to have been created specifically to distribute child abuse images.

When ICANN allowed the new gTLDs to be created it added significantly to its own income stream. What it plainly did not do was ensure they were not also adding to an already dreadful problem in terms of distributing child abuse images over the internet. This is completely unacceptable.

It was open to ICANN to decline to expand the number of available domains until they were satisfied they could not be misused by criminals in this way. Alternatively they could have insisted on Registrars and Registries taking steps which would minimise or reduce the risk of criminal abuse e.g. by requiring all Registrars and Registries to ensure they had accurate and up to date information about the identity and location of everyone buying or running a domain. They didn't do either of these things.

We appreciate that no single government or public body has any power or ability to direct ICANN to behave in a particular way but they nevertheless can have significant influence. For that reason we are asking all representatives of the UK government and others who participate in ICANN to use their good offices, particularly on the Government Advisory Committee, to press the ICANN Board to do the following

1. Acknowledge it has a duty of care to children and act accordingly, and in twelve months report on the steps it has taken to reflect that acknowledgement.
2. Engage more vigorously with measures which will reduce the volumes of child abuse images circulating on the internet across all domains and in twelve months publish a report on the steps they have taken in that regard.
3. Mindful of the call made by Secretary General of the Council of Europe, devise contractually based rules which will ensure web site names may not be created, maintained or used to advertise or suggest that child abuse images will or may be available on any web site.

We would be grateful for an indication of your views on the points we have raised. We are also writing to the US Federal authorities, to the Attorney General of California, other national governments and international agencies in similar terms.

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chisgb@outlook.com