



# Final Report on Improvements to the RAA

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# Background of RAA Discussions

**Mar 2007**

Comprehensive review of the RAA initiated

**2008 - 2009**

New Form of RAA developed

**Mar 2009**

GNSO approved 2009 form RAA with agreement in the community that the RAA be further analyzed

**June 2009**

ICANN Board approves new form of 2009 RAA

**May 2010**

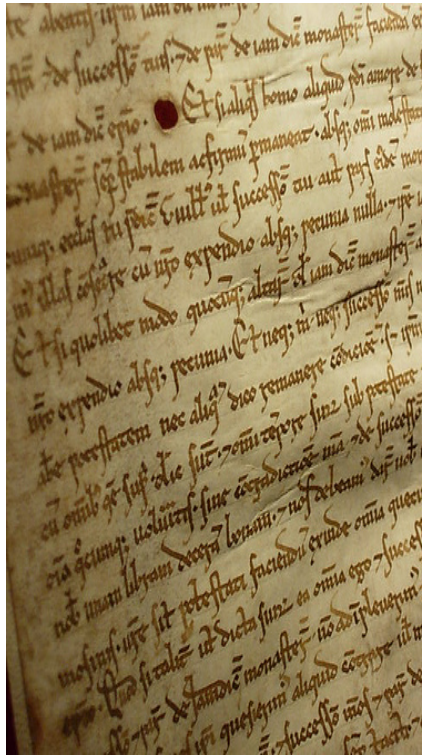
Joint GNSO/ALAC DT Report Released for Public Comment

**Oct 2010**

Final Report on Improvements to the RAA published

<http://gns0.icann.org/issues/raa/raa-improvements-proposal-final-report-18oct01-en.pdf>

# Joint GNSO/ALAC Drafting Team Charter



- ❖ Draft a charter comprised of registrant rights and responsibilities
- ❖ Identify potential topics for amendments to the RAA
- ❖ Develop a specific process and timeline to move forward with proposed amendments to the RAA

# Rights and Responsibilities Charter

## Origin

2009 RAA: Registrars to link to a web page describing existing rights available to and responsibilities of Registrants ( § 3.15)

## Charter Content

(Annex A of Final Report):  
Inventories *current* provisions of the 2009 RAA relating to registrants  
Simplified language provided, based on Non-Lawyers Guide to the RAA developed by Staff

## Next Steps

Staff consultation with registrars and implement web page for the Rights and Responsibilities Charter

## Aspirational Charter

At-Large Community produced an “Aspirational Charter” describing rights that it believes *should be* afforded to registrants

# List of High Priority Amendment Topics to be considered by the GNSO

Item No.	Description
1	Prohibition on registrar cybersquatting
2	Malicious conduct – registrar duty to investigate
3	Designation and publication of a technically competent point of contact on malicious conduct issues (available 24/7 basis)
4	Disclosure of privacy/proxy services made available by registrar; Responsibility of registrar for compliance by such services
5	Obligations of privacy/proxy services made available by registrar re: Data escrow; Relay function; Reveal function
6	Registrar responsibility for cancellation of registrations made by other privacy/proxy services for noncompliance with Relay and Reveal

# List of High Priority Amendment Topics to be considered by the GNSO (continued)

Item No.	Description
7	Define circumstances under which registrar is required to cancel registration for false Whois data and set reasonable time limits for registrar action
8.	Require PCI compliance in registration process
9	Define “reseller” and clarify registrar responsibility for reseller compliance
10	Require greater disclosure of registrar affiliates/multiple accreditations
11	Require greater disclosure of registrar contact information, information on form of business organization, officers, etc.
12	Clarification of registrar responsibilities in connection with UDRP proceedings

# Medium Priority Amendment Topics to be considered by the GNSO

- ❖ Spell out registrar “verification” process after receiving false Whois data report
- ❖ Require links to Whois Data Problem Reporting System on Whois results pages and on registrar home page
- ❖ Service Level Agreement on Whois availability
- ❖ Registrar to disclose resellers and vice versa
- ❖ Expand scope of authority to terminate accreditation
- ❖ Require registrars to report data breaches
- ❖ Streamline arbitration process in cases of dis-accreditation
- ❖ Streamline process of adding new gTLDs to accreditation
- ❖ Registrar responsibilities for acts of affiliates
- ❖ Staff to draft registrar code of conduct if registrars fail to do so by time certain

# Next Steps- the RAA Amendment Process

**Agreement on several process features, including periodic reports (with text) from negotiations**

- **Strong Support:** Include observers in negotiations (representing interests of affected non-parties)
- **Substantial Opposition:** Do not have observers in negotiations but provide regular reports
- **Some Subteam Members:** Third parties should be full participants in negotiations



# Next Steps- the RAA Amendment Process

## *Proposed Process (Strong Support)*

1. Prioritized list of topics goes to GNSO Council. Filter out topics that fall under consensus policy
2. Negotiations begin with negotiation group consisting of Staff, the Registrars and certain observers
3. Parties may hold discussions on specified topics in executive session (excluding observers), then reporting back progress
4. Negotiating group reports periodically on status and progress
5. Negotiating group reviews comments and continues negotiations and repeat step 4 as necessary
6. Staff and Registrars, after consultation with observers, determine when full final draft of new RAA is ready to be posted for public comment
7. GNSO Council reviews and considers public comments and votes on approval of the RAA. GNSO Supermajority Vote to be obtained in favor of the new form
8. If Council approves, the new RAA goes to Board for approval

# Motion to Approve the Recommendations in the Final Report on Proposals for Improvements to the RAA

## Adopts Proposal A For Next Steps On RAA Additional Amendments

**Whereas**, on 4 March 2009, the GNSO Council approved the form of the 2009 Registrar Accreditation Agreement (RAA) developed as a result of a lengthy consultative process initiated by ICANN;

**Whereas**, in addition to approving the 2009 RAA, on 4 March 2009 the GNSO Council convened a joint drafting team with members of the At-Large Community, to conduct further work related to improvements to the RAA; specifically to: (a) draft a charter identifying registrant rights and responsibilities; and (b) develop a specific process to identify additional potential amendments to the RAA on which further action may be desirable;

**Whereas**, on 18 October 2010, the Joint GNSO/ALAC RAA Drafting Team published its Final Report describing specific recommendations and proposals to the GNSO Council for improvements to the RAA;

**Whereas**, the GNSO Council has reviewed the Final Report and desires to approve of the recommendations and proposals contained therein;

# GNSO Council Motion (Continued)

## Adopts Proposal A For Next Steps On RAA Additional Amendments

NOW THEREFORE, BE IT:

**RESOLVED**, that the GNSO Council appreciates the effort of the Joint GNSO/ALAC RAA Drafting Team in developing the recommendations and proposals delineated in the Final Report for improvements to the RAA;

**RESOLVED FURTHER**, that the GNSO Council hereby accepts the Final Report and approves of the Form of the Registrant Rights and Responsibilities Charter as described in Annex D of the Final Report;

**RESOLVED FURTHER**, that the GNSO Council recommends that Staff commence the consultation process with Registrars in the RAA to finalize the Registrant Rights and Responsibilities Charter for posting on the websites of Registrars as specified in Section 3.15 of the RAA;

**RESOLVED FURTHER**, that the GNSO Council recommends that Staff adopt the process specified as Process A in the Final Report to develop a new form of RAA with respect to the High and Medium Priority topics described in the Final Report.

# GNSO Council Motion (Continued)

## Adopts Proposal A For Next Steps On RAA Additional Amendments

### Process A states:

1. Prioritized list of topics goes to GNSO council (i.e., final form of this report). Staff and council review may filter out topics that fall under consensus policy.
2. Negotiations begin with negotiation group consisting of Staff, the Registrars (as a whole, not individually), and certain observers representing the interests of affected non-parties to the agreement.
3. During negotiations, if Staff and Registrars agree, parties may vote to hold discussion on specified topics in executive session (excluding observers), then reporting back to the full negotiation group re progress.
4. Negotiating group reports [to GNSO and ALAC, or to the public] periodically (such as monthly) on status and progress. Negotiating group is expected to make bracketed text, and/or agreed items, available for public comment and feedback.
5. Negotiating group reviews comments and continues negotiations and repeat step 4 as necessary.
6. Staff and Registrars, after consultation with observers, determine when full final draft of new RAA is ready to be posted for public comment.
7. GNSO Council reviews and considers public comments and votes on approval of the RAA. GNSO Supermajority Vote to be obtained in favor of the new form.
8. If Council approves, the new RAA goes to Board for approval.
9. If Council does not approve, goes back to negotiation team with appropriate feedback for reconsideration. Repeat from step 6.

**RESOLVED FURTHER**, that the GNSO Council recommends that this process be initiated by ICANN immediately.

# Questions

One World

One Internet



Thank You



**CARTAGENA**

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