

Proposals for Improvements to the RAA

June 21, 2010



AGENDA

Introduction by Moderator

Presentation of Initial Report

Law Enforcement Perspective

Registrar Perspective

Questions

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Public/remote participants

Moderator

Presentation of Initial Report



Background of RAA Discussions

- Mar 2007** Comprehensive review of the RAA initiated
- 2008-09** New Form of RAA developed
- Mar 2009** GNSO approved 2009 form RAA with agreement in the community that the RAA be further analyzed
- *Draft Registrant Rights and Responsibilities Charter*
 - *Identify additional amendment topics and Next Steps*
- June 2009** ICANN Board approves new form of 2009 RAA
- May 2010** Joint GNSO/ALAC DT Report Released



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)

Content of Charter (Annex A of Initial 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



Aspirational Registrant Rights

Registrants should

- have accurate, current and complete contact and locative information regarding their registrar
- be the sole entity capable of asserting and changing ownership information for their domain
- have ample opportunity to renew their existing domain(s) at the same rates as new domains
- protect their trade name against unauthorized use
- refuse the transfer of their personal information to unauthorized bodies
- expect ICANN to enforce its agreements with registrars

Sources of Suggested RAA Amendment Topics

- ICANN Staff
- Law Enforcement
- IPC Working Group
- Danny Younger



Exclusions from Final List



- Due diligence/accreditation matters
- Compliance matters
- Consensus policy/current PDP matters

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	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
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.



LAW ENFORCEMENT PERSPECTIVE



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REGISTRAR PERSPECTIVE



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Registrar Objectives

Registrars are interested in the following outcomes:

- Understand (quantified or documented) problems experienced by the community, and the unique role registrars play in helping solve them
- Constructively explore methods to address those issues (via multiple means)
- Encourage community approaches to registrars as collaborative opportunities, rather than RAA or PDP as “first resort”
- Operational stability and security
- Ability to rely on reasonable environment for conducting business, providing products and services to customers, hiring, managing resources, etc.

Registrars' thoughts on current RAA amendment process

- Registrars are engaging with multiple parties and SGs to understand perspectives (LE, GAC, ALAC, Registries, IPC, ICANN staff), working in good faith to understand and address community concerns.
- Proposed amendments need careful consideration from community's and registrars' side to anticipate consequences, both positive and unintended.
- The registrars believe that the RAA has a vague and inadequate amendment process, and one that needs to be updated.
- Under the current process, there's a minimum of four years' time before any changes would become binding [on most registrars], so there's time afforded to discuss all considerations.

Questions/Comments

Questions/Comments



For More Information

Initial Report Posted:

<http://gnso.icann.org/issues/raa/report-raa-improvements-proposal-28may10-en.pdf>

Public Comment Closes: 9 July 2010

<http://www.icann.org/en/public-comment/#raa-improvements2010>



Thank you



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