

ICANN Start, Episode 6: RAA

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Welcome to *ICANN Start*. This is the show about one issue, five questions:

- What is it?
- Why does it matter?
- Who does it affect?
- What are the key concepts I must know about it?
- How can I learn more?

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[Music under]

Scott: Scott Pinzon here, and before we get into the topic for this episode, first I want to thank you for supporting *ICANN Start*. We have the figures in for the first two months of existence for this podcast, and the ICANN community is downloading episodes, on average, one thousand times per month. That is a great start for this kind of endeavor, so thank you for making our efforts worthwhile.

One other note before we begin. As often as possible, we conduct our podcast interviews in person. But it's not always feasible to fly people in just for a podcast interview. So this episode is our first try at recording an interview via Skype. Unfortunately, the audio quality does not achieve our normal standard, for which I apologize. If you have difficulty making out some of the words, remember that on ICANN's E-Learning page, there is a transcript of this podcast right next to the MP3 file. Just look for Episode 6, RAA, and you'll find this entire episode in writing -- even this introduction.

Now without further delay, let's go to today's topic. Thanks again for listening.

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Scott: Our topic today is the RAA. To explain it to us by Skype, we have Margie Milam, Senior Policy Counselor. Thanks for joining us today, Margie.

Margie: Thanks for having me, Scott

Scott: So our first question, as is tradition here: What is the RAA?

Margie: The RAA is the Registrar Accreditation Agreement, and that's a contract that ICANN signs with all companies that want to be registrars. All 800 registrars sign the same documents. And it lays out the various rights and obligations that a registrar has. It gives the registrar the right to identify themselves as an accredited registrar. It gives them the right to register domain names on behalf of registrants. And it also gives them the right to contract with the various registries to offer the various domain name extensions that are available. So, for example, a registrar might want to register .COM names, so they would be able to go to VeriSign and sign up with VeriSign to register domain names in the .COM registry on behalf of registrants.

And the interesting thing about the Registrar Accreditation Agreement (the RAA) is that, because it is standard, it isn't negotiated; it becomes the same form for many many years; and all registrars who sign up, would sign up to this particular agreement. And so it's not often updated, but it's a useful tool for ICANN to set up the obligations that registrars have to registrants and to ICANN. And it also helps registrants know what obligations a registrar might have when it registers names on behalf of a registrant.

Scott: We went over some of this when you were a guest on the show previously, but for people who didn't hear your other episode, real quickly... Registrars are the folks who sell domain names to registrants, and a registrant is... who?

Margie: A registrant is the consumer. If you want to register a domain name, you would go to a registrar. Think of the GoDaddys, or Network Solutions, or eNom; there's a lot of companies out there that you can go to if you want to register a domain name. Each of those companies is what we call registrars with ICANN, and they've signed the RAA that allows them to do that business with you.

Scott: All right. So we have accredited these registrars as having signed the RAA. So what? Why does it matter that they've signed the RAA?

Margie: It matters because that's where the registrars agree to do certain things on behalf of the registrant. And it also matters because ICANN, as the body that sets policy related to domain names -- that is how policies become enforceable against registrars. So for example, in the ICANN world, we have what is known as the GNSO Council. It's this council that focuses on developing policy in the gTLDs: .COM, and .NET and .ORG. And this policy council will come up with various policies that registrars should comply with if it relates to domain name registrations.

The interesting thing about it is, it has a clause that says that if the GNSO develops a policy, and it follows certain procedures that the registrars have to comply with that policy even if it's adopted after the agreement is signed. That's where we develop a lot of the protections that are available to registrants. These protections are approved by the GNSO Council, they go up to the Board of

Directors, and then ICANN adopts them. And once they've been adopted as what we call consensus policies, then registrars have to comply with them.

And we have consensus policies on all kinds of things, like things that relate to transfers of domain names. There's consensus policy on what happens when a domain name expires. Those are the kinds of things that can happen through the RAA, because the RAA has the clause that says, if the GNSO Council adopts a policy, the registrars will comply with it.

Scott: So would it be fair to say from a registrant's perspective that it's almost like a quality assurance?

Margie: Yes, because it's a way for the community to provide input into the obligations that registrars might have. And so if something comes up that is needed, some sort of registrant protection, they can go to the GNSO Council and ask for a policy to be adopted and evaluated. And if you go through that whole process of getting GNSO approval, and the ICANN Board approval, then it gets incorporated into the Registrar Accreditation Agreement, and the registrars have to comply with it. It's a way of providing protection and policies that may not have existed at the time the Registrar Accreditation Agreement was first signed.

Scott: So as a registrant, you can expect a certain level of service because everyone has signed on to this same standard.

Margie: Right; and there's also obligations for registrants, as well. One of the things about the RAA is that section that talks about what needs to be in a registration agreement with the registrants. So for example, the RAA will say that a registrant has to provide accurate WHOIS information. That's the contact information related to your domain name. If something should happen and someone needs to get a hold of you, the WHOIS record serves as a way of providing contact information for the public so they can get a hold of you. And in the registration agreement, there's an obligation that you update your WHOIS information as it becomes out of date. And all of that is incorporated through the RAA.

Scott: So one of the questions we ask on this show is, Who does this affect? I can anticipate your answer a little bit: it affects more than just registrars.

Margie: That's right. And that's why it's important for the community to understand the RAA and to get involved in some of the efforts that are going on relating to amending the RAA. Because there's portions of the RAA where a registrar agrees to do certain things related to a registration on behalf of a registrant, and those provisions are very important. Those are the kinds of things that can get changed through an amendment process, and can be improved.

If you're a member of the community and you're not a registrar, and you're not ICANN or a registry, you still have interest in the RAA because it talks about when your registration can be canceled; how WHOIS information gets updated. And then as I mentioned before, through the consensus policies that get adopted, we can also incorporate other policies that may affect registrants. So that's why it's useful for registrants to be aware of the RAA.

Scott: If a person is listening to this and the whole RAA concept is a little bit new to them, there is actually a lot of work going on at ICANN right now around the RAA. Can you tell us what are some of the key issues that a person should perhaps be aware of?

Margie: Sure. As I mentioned before, sometimes the RAA goes through an amendment process. It isn't updated very often, but it just so happens that right now we're in the process of evaluating additional amendments to the RAA. This is the perfect time for those that are interested in some of these topics to get involved and to understand what proposals are on the table for amendments, and to follow the process through the GNSO Council.

Shortly, in the Brussels meeting that will be held in June of this year, there will be a lot of discussion about proposed amendments to the RAA. And there's a report that's being developed by a working group in the GNSO Council that talks about topics for suggested amendments, and a process for next steps to come up with a new form of RAA.

Scott: Are you able to characterize any of these proposals? Like, I've heard of one that's referred to as Registrant Rights.

Margie: Yeah, I can give you a little information about the Registrant Rights. As I mentioned, the RAA is amended from time to time, and the last time it was amended it was 2009. And in 2009, one of the amendments that was included in the RAA was an obligation that registrars link to a document called the Registrant Rights and Obligations. And this document is meant to be a tool for registrants to understand the kinds of rights and obligations that exist under the RAA.

Part of the work of this drafting team that I referred to, was to come up with a Registrant Rights and Obligations Charter that gives information to registrants so they can easily understand the kinds of obligations that registrars have toward them in the RAA.

Scott: That sounds constructive. And what are some other RAA issues that have been proposed?

Margie: There's lots of really exciting topics that are under consideration. Things that help the community in general. For example, there's information about what to

do if there's a malicious conduct, or a problem with a domain name. There's a recommendation that registrars provide a point of contact if there's been abuse. There's lots of protections that are being discussed right now.

Scott: So Margie, you mentioned a second ago that there will be a lot of discussion about the RAA in Brussels. Can you tell us what to look forward to there?

Margie: Yes! Actually, Brussels is going to be important for issues related to the RAA. There has been a movement in the drafting team that I was referring to, to get topics for amendments. And one of the parties that was very interested in this topic was law enforcement agencies. And law enforcement agencies have made proposals to amend the contract to provide better protections and better access for law enforcement people who are trying to deal with crime over the Internet relating to domain names.

Scott: What is the law enforcement angle here? Is it that they want to find out who holds a domain name when the WHOIS doesn't readily reveal who has the domain name?

Margie: Yeah. Part of the problem, I think, with law enforcement is that sometimes there's a lot of delays in getting information related to a domain name. Or, delays in responding if something really bad is happening with a domain name. If a domain name is involved, for example, with a phishing attack, where it's trying to steal private information related to consumers, the law enforcement folks want real quick access to information and an ability to shut down a domain name quickly. That's the kind of thing that the law enforcement amendments were addressing.

Scott: And I can see where perhaps privacy advocates would have a different point of view on that.

Margie: Yes. So it's a very interesting debate, and I'm sure all those issues will be talked about in the Brussels meeting. So we will actually have a session in Brussels that relates specifically to law enforcement proposals to amend the RAA, and it'll be an interesting dialog between various communities on the law enforcement's needs, and how the RAA can be amended to address those concerns.

So we certainly welcome anyone who's available to participate in the Brussels meeting, either in person, or remotely. We have great remote access for our ICANN meetings, and you can certainly follow work related to the RAA. And for anyone who's interested, I'd invite you to take a look at the report that gets published before Brussels, to follow the work of the RAA Drafting Team. And all this information is on the ICANN website, under the GNSO Council pages.

Scott: So a person can either look up “RAA” as a search string, or they can look up “Registrar Accreditation Agreement.” Correct?

Margie: That’s correct. And you can also follow the progress through our Policy Update that the Policy department publishes. That’s where you’ll get the latest information on where the work is being done, and the next steps for some of these important issues.

Scott: All right. Margie, thank you for introducing us to the tip of the iceberg on what is obviously a very interesting and multi-faceted subject. If a person would like to learn more, we also have links next to where you got this podcast off the [E-Learning](#) page at icann.org.

Thank you for being with us today, Margie.

Margie: Thank you very much, Scott.

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