

April 22, 2013

Fadi Chehade
President and Chief Executive Officer of
The Internet Corporation of Assigned Names and Numbers

Dear Mr. Chehade,

As Principal Investigator for KnujOn.com I am submitting a detailed research document directly to you out of grave concern for the stability and integrity of the Domain Name System. The document demonstrates serious shortcomings in the apparent ability of ICANN to enforce its contracts. As you know, ICANN's principal technical function exists in accrediting providers who sponsor domain names and administering these accreditations in a transparent and accountable manner. Given the results detailed in the attached document it would appear ICANN is falling short in its technical function and not acting in the public interest. Because you have expressed a personal desire to realize ICANN's consensus-driven pledge, as well as your pledge to be "super transparent," I am appealing to your leadership to fully address the current situation.

In simple terms what the attached research shows is an end-to-end breakdown of the procedures created to enforce registrant and registrar agreements followed by a lack of explanation from the compliance staff. Various domains registered in bad faith were used in abusive or illicit activity and found to violate the registrant agreement with willfully false WHOIS data. Complaints filed per the RAA and ICANN's procedures were not properly followed up on by the registrars in question or ICANN staff. Subsequent investigations were met with incomplete and confusing responses from ICANN staff followed by outright rejection. This is a regrettable situation as Compliance initially collaborated with the research but terminated this when the findings became unfavorable to ICANN and revealed failures of process or procedure.

While the community is encouraged by pledges from ICANN improve policy and process, I have reviewed the recommended Registrar Accreditation Agreement changes as well as the promised compliance tracking system in detail. However, I am doubtful the problems reviewed in the attached report would be addressed or prevented by future changes. It is not enough to point potential updates to the RAA or possible system upgrades as reasons to dismiss these concerns. ICANN must be accountable in this moment under current conditions before we can move forward. The At-Large community has participated in several Compliance sessions since 2010 and each time different pledges have been made but actual results have not been demonstrated. The community has also expressed concern that a rash of employee dismissals in the compliance department has disrupted stakeholder relations.

I have also become aware of a letter from the National Association of Boards of Pharmacy (NABP) to ICANN concerning specific registrars which have become safe havens for illicit drug traffic. Upon review of data gathered by the NABP I have found significant overlap with the parties listed in the attached research document and ones notified by the NABP for illegal activity. Apparently, some of the registrars did not respond to or comply with the NABP. In sum, we have a situation in which particular registrars appear to be in violation of RAA 3.7.8 and RAA 3.7.2 yet there is no enforcement or explanation for the lack of enforcement.

The periodic presentations given to At-Large at ICANN meetings by Compliance may not be enough. It may be advisable for the community to take a more detailed, "hands-on" approach to monitoring the Compliance process and registrar activity. However, an open discussion of possible solutions is welcome. Like you, I want the ICANN model to succeed and the Internet community properly served.

I look forward to your response.

Sincerely, Garth Bruen
Principal Investigator, KnujOn.com