



Canadian
Anti-Counterfeiting
Network

Réseau
anti-contrefaçon
canadien

July 17, 2015

BY E-MAIL (allen.grogan@icann.org)

Mr. Allen Grogan
Chief Contract Compliance Officer
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
USA

Dear Mr Grogan,

The Canadian Anti-Counterfeiting Network (CACN) is a coalition of individuals, companies and associations that have united in the fight against product counterfeiting and copyright piracy in Canada and internationally.

While the internet is critical to supporting creativity and innovation in the idea economy and provides significant opportunities for genuine business, it is also a tool that is used by international counterfeiters who can operate in the relative anonymity of the borderless market it creates. Domain names are a primary tool for connecting counterfeiters to their potential customers and providing roadblocks preventing easy acquisition and use of domain names is a step that can and should be taken to assist in the battle against online sale of counterfeits.

You stated in your recent blog postings that you will publish further postings in the coming weeks addressing ICANN's position on how it will enforce the terms of its 2013 Registrar Accreditation Agreement (RAA).

The RAA contains terms that provide for registrars to "investigate promptly and respond appropriately" to complaints that the domain names they sponsor are being used to carry out illegal activities such as counterfeiting.

We are concerned that ICANN may decide not to enforce the contractual terms that were heavily discussed and debated within the multi-stakeholder framework at the time of their drafting. These terms were approved unanimously by the ICANN board.



Canadian
Anti-Counterfeiting
Network

Réseau
anti-contrefaçon
canadien

The whole multi-stakeholder process is built on the premise that these contractual terms are a substitute for national or inter-governmental regulation. A failure to enforce terms undermines this model and the credibility of ICANN in expanding its contractual relations with further gTLDs which contain Public Interest Commitments (PICs) as well as taking on further responsibilities in managing internet resources. A minimum standard should include acting on well documented complaints showing clear abuse through illegal activity in breach of the services own contract terms.

Contractual enforcement is a key part of self-regulation to protect the integrity of legitimate trade across the entire global supply chain. Intermediaries in the supply chain, including registrars and registries, play a key role in denying the tools of genuine commerce to these criminal networks, as documented in the recent ICC BASCAP report: 'Roles and Responsibilities of Intermediaries: Fighting counterfeiting and piracy in the supply chain.'

We ask ICANN to stand up for consumers and businesses

- Spelling out that registrars must respond appropriately to well documented complaints about sites selling counterfeits and take action where they fail to do so
- Increasing transparency over the receipt, investigation and outcome of complaints, including basic reasons for upholding or dismissing complaints

Please feel free to contact the undersigned if you have any questions or would like to discuss the CACN's position on this issue.

Yours sincerely,

Brian P. Isaac
Steering Committee Member
Canadian Anti-Counterfeiting Network