

Report of Public Comments

Title:	Proposed Final 2013 RAA																						
Publication Date:																							
Prepared By:	Samantha Eisner, Senior Counsel																						
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Section I: General Overview and Next Steps																							
<p>On 22 April 2013, after over 18 months of negotiations, the Proposed Final 2013 Registrar Accreditation Agreement (RAA) was posted for public comment. This was the third version of an agreement posted for the ICANN community, reflecting ICANN and the Registrar NT's agreements as the Proposed Final 2013 RAA.</p> <p>The Proposed Final 2013 RAA now includes provisions addressed to improve the image of the domain industry and to protect registrants through a further updated contractual framework. ICANN and the Registrar NT worked closely to consider all issues within the negotiations and the RAA reflects hard-fought concessions on many of key issues raised throughout the negotiations. The public comments received recognize that the 2013 RAA, if adopted, represents a significant improvement over the current 2009 version, and significantly raises performance requirements for every ICANN accredited registrar, thereby bringing dramatic improvements to the domain name ecosystem.</p> <p>The highlights of this proposed 2013 RAA include:</p> <ul style="list-style-type: none"> • The 12 Law Enforcement Recommendations that served as the impetus for these negotiations are all addressed in this proposed draft. The attached Law Enforcement Summary Chart identifies the section or specification of the 2013 RAA that addressed each recommendation. Some of the highlights include the creation of an abuse point of contact at each registrar, Whois verification and validation requirements at the registrant and the account holder levels, stronger language on registrar obligations for resellers, and new data retention obligations. • Enhanced Compliance Tools including broader suspension and termination tools, clarification of audit rights and access to information to facilitate ongoing investigations, and annual certification requirements. • A Registrant Rights and Responsibilities Document that sets out, in clear and simple language, the rights and responsibilities that are set out in the 2013 RAA, such as the types of information that registrants can expect to be made available to them about terms and conditions of registrations, fees and customer service processes. The document also emphasizes the registrant's role in providing accurate contact information, and responsibilities in maintaining domain name registrations. These 																							

enumerated rights and responsibilities are not comprehensive of all registrant rights and responsibilities set out in consensus policies, however this document is closely tied to the terms of the 2013 RAA.

- **Registrar Responsibility for Reseller Compliance** with all appropriate terms of the RAA.
- **Consolidation with the Registry Agreement for New gTLDs.** Where appropriate, ICANN and the Registrar NT have agreed to mirror language from the Registry Agreement, to allow for contracts that are better aligned. The New gTLD Registry Agreement and the 2013 RAA are anticipated to complement each other as Registries and Registrars move towards agreements that better reflect the changing marketplace.
- **Proxy and Privacy Provider Interim Requirements.** ICANN and the Registrar NT have agreed to interim protections that will be in place for proxy and privacy services offered through registrars. These interim protections will require that information is made available on items such as customer service processes and when a provider will relay information on the underlying user of the domain name registration. While these are not comprehensive of the protections that some have requested to be put in place for proxy and privacy providers, these interim protections will provide a more responsible marketplace until a formal accreditation program is developed.

When the agreement is updated to reflect the comments received that ICANN is able to take on, the agreement will be presented to the ICANN Board for approval. After that time, registrars will be able to sign onto the new agreement. ICANN is committed to participating in registrar educational opportunities to make sure that registrars are aware of their new obligations.

Section II: Contributors

At the time this report was prepared, a total of [number] (n) community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
United-domains AG	Tobias Sattler	U-DAG
Intellectual Property Constituency	Steve Metalitz	IPC
Association of National Advertisers	Dan Jaffe	ANA
Registrar Stakeholder Group	Matt Serlin	RrSG
International Trademark Association	Claudio DiGangi	INTA
Music Community Coalition	Victoria Sheckler	MCC
GoDaddy	James Bladel	GD
Comcast/NBC Universal ¹	Meredith Baker	NBC
Non-Commercial Stakeholders Group	Robin Gross	NCSG
Business Constituency	Steve DelBianco	BC

¹ Comcast/NBC Universal submitted the same comment twice. It is reflected here once.

International AntiCounterfeiting Coalition	Andy Coombs	IACC
RU-Center	Tamara Khramtsova	RU-C
General Electric	Sean Merrill	GE
Internet Commerce Association	Philip Corwin	ICA
At-Large Advisory Committee	Staff supporting the At-Large	ALAC

Individuals:

Name	Affiliation (if provided)	Initials
MaverickII		MII
Jeremy Muras		JM
Garth Bruen		GB
Kathy Kleiman		KK

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

MII proposed modifications to Section 2.3 of the RAA regarding ICANN responsibilities, suggesting inclusion of items relating to ICANN’s accountability mechanisms and “appeal processes”, as well as compliance reporting requirements. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/msg00000.html>

U-DAG notes that the proposed RAA is an “improvement to the current 2009 RAA” and thanked the Registrars’ Negotiating Team. U-DAG also recommended clarification of items, including a definition of “thin” registry, a clear reference to the Whois Specification to avoid confusion, a definition of “commercially reasonable efforts” in regards to overseeing compliance of resellers, and definitions of “applicable law” and “appropriately” in terms of the abuse point of contact. U-DAG also expressed concern over the posting of an email address for the abuse point of contact, as well as the availability of cross-field validation technology for all registrars, and raised a question regarding how the address information would be “made available” to registrars. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/msg00001.html>

The IPC focused its comments on the Proxy-Privacy Specification and the new amendment procedures. The IPC noted that revisions to the Specification did not take into account many of the IPC’s prior comments on this issue, as well as remove requirements for proxy service providers to abide by policies as disclosed. Of particular concern to the IPC is that there is no requirement for a proxy service to verify or validate customer information, nor consequences if information provided is insufficient to contact the provider. Further, the IPC requests that communications using “revealed” data that cannot reach the customer should then be subject to validation. The IPC also complains of the lack of full integration of the term “reseller” throughout the specification results in an exclusion of meaningful obligations for resellers. In addition, the Specification now requires disclosure of policies

and procedures, and does not set out what the procedures by which the services must abide, which removes obligations. The IPC asks for verification of customer data, at least when that data is revealed within the Whois record; clarification of application of the specification to resellers; and enforcement when proxy services fail to follow the policies that they set out. On the amendment process, the IPC questions ICANN's ultimate ability to bring forward an amendment in the public interest given all of the procedural steps introduced. Specifically, the IPC asks for assurances on the availability of this mechanism to bring forward the recommendations of the Expert Working Group on gTLD Registration Data, as one of the leading examples of usage of the amendment terms.

<http://forum.icann.org/lists/comments-proposed-raa-22apr13/msg00002.html>

The IPC also submitted reply comments noting that other commenters, such as the BC and INTA, mirrored the IPC's concern on the scope of the privacy/proxy specification. The IPC noted that other commenters also shared the IPC concerns over the amendment processes. The IPC also commented on the RrSG and GD comments, regarding registrar concerns over cross-field validation and noted that these concerns are "overblown". The IPC urged that if registrars are slow to implement the new requirements, ICANN should not tolerate this behavior. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/pdfdlMfEsmWrq.pdf>

The ANA stressed that the RAA should be finalized and in effect before any new gTLD contracts are approved. The ANA expressed concern regarding the capacity of ICANN's Contractual Compliance Department to meet the increased compliance demands, and that the automated systems that are in planning should be in place before delegation of new TLDs. The ANA expressed its encouragement that ICANN adopted the law enforcement recommendations in improving the RAA, but noted that the Whois Accuracy Program requirements for verification of email OR phone number and the Proxy Specification "may not satisfy law enforcement requirements." The ANA supports the inclusion of terms to proven cybersquatting, as well as extension of obligations to resellers. In the amendment process, while the ANA would have liked to have seen more direct amendment by the ICANN Board, the processes that are defined in the proposed agreement are an enhancement over the lack of enforceability that exists today. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/msg00011.html>

The RrSG noted that while registrar representatives participated in the negotiation of the RAA, due to the diversity of the RrSG, individual members were encouraged to submit individual comments as well. On the amendment process, the RrSG noted that the amendment language is an improvement over the initial proposal from ICANN, though concerns still remain. The RrSG requested some examples to help demonstrate the scope of the process. In addition, the RrSG requested that the Board-approved amendment process not be used in ways that affect the scope of the agreement, as well as a 24-month review cycle to confirm the Board-approved amendment process is of continuing viability and need. In addition, the RrSG noted its concerns relating to the cross-field validation portion of the Whois Accuracy Program, stating that though the registrars will participate in the working group as specified in the transition addendum, the RrSG believes that the use of cross-filed validation requires community dialogue as it is a "dramatic change to the registration of domain names." The RrSG stresses that the matter of import of now is to start working on an educational plan to assure that registrars understand the new obligations.

<http://forum.icann.org/lists/comments-proposed-raa-22apr13/msg00003.html>

INTA applauds the substantial progress made in the negotiations, while highlighting remaining issues of concern. INTA suggests that the RAA is an appropriate mechanism to address parts 2 and 6 of the Governmental Advisory Committee's safeguard advice for the New gTLD Program, such as incorporation of requirement for prohibitions of malicious activity. On the Whois Accuracy Program, INTA is supportive of the account holder verification requirement that has been incorporated, but encourages the adoption of more stringent verification requirements, such as the verification of email and phone numbers. On the Proxy/Privacy Service Specification, INTA is encouraged by ICANN's use of the negotiations to bring this issue into the negotiations, as well as the compromise of having an interim specification while the community conversation goes forward. However, the draft specification removes many of the advancements seen in the 7 March 2013 version, as it now states "unenforceable guidelines," and should expressly require verification obligations that are stated in the Whois Accuracy Program so as not to circumvent the verification requirements. On Whois data elements, INTA recommends that the elements set out at 3.2.1 should be minimum required elements that are not subject to change by agreement, though they can be added to. INTA does not support the removal of Port 43 obligations for "thick" registries. For the special amendment process, INTA opposes the system as set out in Section 6 of the agreement, arguing for a more streamlined process, and suggesting that ICANN and the Registrars return to negotiations on this point. INTA states that the process has to be workable and result in amendments; the revisions to Section 6 "swings the pendulum too far" in allowing endless debate and appeals. On the negotiation process, INTA notes its dissatisfaction with ICANN's use of bilateral negotiations for the RAA negotiation process, given ICANN's role in the DNS. The exclusion of the public from the participation in the discussions does not further the Internet public's confidence in ICANN. INTA also notes that the short window for comment, released with a statement that the negotiations have drawn to a close, casts doubt on how public comments will be considered. INTA also calls upon ICANN to consider how the results of the Expert Working Group on gTLD Registration Data will be assimilated into the RAA.

<http://forum.icann.org/lists/comments-proposed-raa-22apr13/pdfKyVFpWBj8R.pdf>

The MCC, representing various regional, national and international trade associations, thanked the negotiators for the substantial progress on addressing false Whois data, compliance enforcement, and measures to deter illegal or abusive activity. The MCC noted its dismay at the Privacy and Proxy Registration specification, as it does not include requirements for verification or validation of customer data. While there are legitimate uses for privacy/proxy services, the proxy/privacy specification will give "greater incentive" for bad actors to use privacy/proxy services unless a validation requirement is in place. MCC suggests ICANN adopt verification requirements for proxy/privacy services, as well as ensuring compliance with these heightened requirements.

<http://forum.icann.org/lists/comments-proposed-raa-22apr13/pdfGXTwbheW5y.pdf>

GD thanked ICANN for its efforts in negotiation, and highlighted that the proposed RAA will "eliminate continuous negotiations, provide stability for registrars at renewal, and provide uniformity with new gTLDs" where appropriate. GD also raised some concerns. On Section 6.5, for the special amendment process, GD notes that there is no specified standard of review for determining when an amendment is "in the public interest." This could pose issues in the Working Group's ability to review the

proposed amendment, as well as in ICANN's ability to provide a detailed rationale for its decision to proceed with such an amendment. GD recommends further work on this part, and that the Accountability and Transparency Review Team consider this provision. On the Consensus Policy specification, GD suggests that the language be clarified to exclude the amendment and negotiation processes from those topics for which consensus policy is appropriate. On the Whois Accuracy Program, GD states its concern that cross-field validation "cannot be implemented fairly, consistently, or equitably" across registrars or registrants, and suggested that consideration be given to ICANN's Core Value number 8, on applying policies neutrally and objectively, as well as the Bylaws requirement for non-discriminatory treatment. GD stands ready to participate in further work on this issue. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/pdfOQBzSnC1U.pdf>

NBC commented that though it has reservations regarding the bilateral negotiation process used to reach the 2013 RAA and how that fits into the multi-stakeholder model, the final outcome is largely positive. The proposed 2013 RAA is a significant improvement, and with quick adoption and appropriate enforcement resources, will make the DNS "safer, more predictable environment for legitimate users worldwide." However, the final language is "not as rigorous" as what NBC would have proposed in the areas of authentication, and data accuracy. On proxy registrations, NBC questions the "ced[ing of] authority to an as-yet-undeveloped future ICANN policy on the issue." This will create a hole for scammers. NBC remains supportive that the 2013 RAA is finalized before new gTLDs go into the root, and registrars be required to sign the new RAA before offering new gTLD domain names for sale. ICANN's commitment to enforcing the terms for the agreement will be essential to the success of the new agreement. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/pdfezxaFQgSh0.pdf>

The NCSG recommended new language for inclusion in the Registrant Rights and Responsibilities document, as "the existing Registrant Rights and Responsibilities draft lacks the substantive rights registrants expect and demand for assurance of the security and stability of the domain registrations." The NCSG's draft including rights and responsibilities derived "from applicable law as well as from the web of ICANN-based contracts." The draft incorporates items from the agreement, as well as those outside of the language of the agreement. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/pdfsT1mQRi6IS.pdf>

JM suggests that for Section 3.7.7.2, the requirement for "willful" provision of inaccurate or unreliable information as a grounds for breach of the registration agreement is too subjective, and recommends that a more objective test be incorporated into this provision. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/msg00013.html>

GB, writing on behalf of "our membership and community participants", raises the issue of the change to Section 3.3.6, the requirement for registrars to make available bulk access to Whois. GB states that staff has not yet responded to requests for information on the economic basis for the decision to remove this provision, and requests that this contract change be dropped for lack of transparency in process. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/msg00014.html>

The BC notes that ICANN must ensure that its compliance function is staffed to enforce the new RAA. Because of the complexity of the document, the BC recommends the use of a table of contents and table of specifications, for ease of comprehension and navigation. The BC also makes some suggestions for incorporating all definitions in one place. The BC also makes specific suggestions, including (1) requiring a seven day window for updating registered name data; (2) revising Section 3.7.7.2 to require suspension or cancellation of names, as opposed to the discretionary language currently used; (3) incorporating a prohibition on engaging in false advertising or other deceptive practices, which is set out in the Registrants' Rights and Responsibilities; (4) requiring annual re-verification of information under the Whois Accuracy Program; (5) when amendments or exemptions from certain provisions of the RAA are sought, the BC is calling for multi-stakeholder representation and public input into those processes. The BC requests more information on the paths for revising the form RAA and whether registrars will be able to elect to stay on an old form of the agreement as opposed to a revised form. For the Proxy/Privacy Specification, the BC would like to see specific content requirements added, such as specification of the circumstances under which the proxy service provider will relay communications to the underlying customer as well as timing and confirmation requirements, as well as requirement for when the Whois information will be revealed and the timeframe for that. The BC recommends that P/P Providers be required to relay all communications to the underlying customer that allege illegal conduct or consumer fraud and to reveal the contact details of the underlying customer within seven business days if illegal activity is alleged. The BC also suggested that communications that must be relayed to the underlying customer be relayed within three business days. The BC also recommends the incorporation of a mechanism to amend the specification by the parties and stakeholders. On the Whois Accuracy Program, the BC urged that pre-resolution verification be required, as opposed to the 15-day window included in the specification, and requested that registrars be required to verify both an email address and a phone number, as opposed to either point of data. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/pdfZIRaUTlz0.pdf>

The IACC endorses the IPC comments, and reiterated points raised by other commenters including: (1) negotiations should not have been closed, bilateral negotiations; (2) the public comment seems to be a formality given the "final" nature of the agreement; (3) earlier comments on Whois validation and privacy/proxy issue were not considered and the proxy specification was "diluted". <http://forum.icann.org/lists/comments-proposed-raa-22apr13/pdfkWdg1M2ZYW.pdf>

RU-C noted that it has to comply with the laws of the Russian Federation. This includes a requirement that customers are entitled to withdraw payments. The commenter also noted some concerns as it relates to resellers and the provision of information regarding the registrars that are actually sponsoring domain name. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/msg00017.html>

GE supports the comments of the IPC, BC, NBC, MCC, ANA and INTA, as well as prior law enforcement statements, on the importance of increasing obligations on Whois data and registered name holder identifying information. GE states that proxy and privacy services should be allowed only in "rare circumstances (and all such circumstances should be limited to non-commercial activity)," suggesting that proxy or privacy registrations are against the Affirmation of Commitments. GE also pointed out

that there is no requirement for validation of the underlying information for proxy or privacy registrations, and it is “untenable” to have users of proxy/privacy services “get a free pass.” GE also requested pre-resolution verification requirements, and requested mandatory suspension of domain names for the willful provision of false or inaccurate Whois information. GE repeated INTA’s suggestion of making certain items of Whois data mandatory minimum requirements. GE also supported the mandatory use of the new RAA in the New gTLD Program.

<http://forum.icann.org/lists/comments-proposed-raa-22apr13/pdfIW9ksOdAtH.pdf>

The ICA agreed with the NCSG that the Registrant Rights and Responsibilities document needed to be strengthened, and proposed additional modifications to the NCSG’s proposed version. The ICA added terms including neutral arbitration of UDRP disputes, clear disclosure of terms, and additional responsibilities. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/pdfkMaSuJG61H.pdf>

The ALAC provided many comments in support of the new RAA, including the Board-approved amendment process and that it is important to have this safeguard in place for exceptional circumstances. The ALAC also supported the clear statement of topics included within consensus policy. The ALAC noted its dissatisfaction with being excluded from the RAA negotiation process and the lack of transparency. On Whois, the ALAC agreed that all Whois information – including information of the underlying user of proxy/privacy services, should be verified. For the verification of account holder information, the ALAC is concerned that suspension is not required in this instance, and recommends providing a clarifying definition for the account holder. The ALAC also suggesting harmonizing the verification requirements to match the required fields for Whois information. On the Proxy/Privacy Specification, the ALAC supports this development, but requests that proxy and privacy services providers should accept strict liability for harm, and that third party beneficiary rights should be included in the specification. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/pdfTgcL1YrEzF.pdf>

KK expressed support for the NCSG position on the Registrant Rights and Responsibilities document, noting that it was drafted without input of the Registrant groups in ICANN. KK also expressed her opposition to the change in Section 3.7.7.2, replacing “promptly” with a seven-day requirement for update to registrant information after a change. KK notes that this will lead to unfair results, as domain cancellation may occur without any demonstration of harm, notice to the registrant, or while otherwise accurate information remains in the Whois record. This will encourage “spying” and reporting from those that want desirable domain names, and is not tied to the security or stability of the DNS. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/msg00022.html>

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

Many of the commenters on the proposed Final 2013 RAA expressed their support for the new agreement, noting that the new contractual provisions are an improvement over the current

obligations stated within the 2009 RAA. Though commenters were generally in favor of the advancements within the new RAA, they identified specific areas where they wished for clarification or strengthening of terms within the agreement. In addition, multiple commenters noted that while they are generally supportive of the outcomes of the negotiations, they are dissatisfied with the negotiation process that was used. The commenters objected to the use of bilateral negotiations among ICANN and the Registrar Negotiating Team, as opposed to a process where community members could observe and participate in the negotiations. As has been previously discussed, the RAA itself did not include any path to negotiation; the process to be used was not clear. To help assure that the community will have a voice in future amendments to the RAA, the RAA now incorporates specific public comment requirements when amendments are under consideration or negotiations have been initiated.

Multiple commenters requested that the new RAA be in place before the delegation of new gTLDs. The New gTLD Registry Agreement as posted includes a requirement that Registries only use Registrars under the 2013 RAA. In addition, the ICANN Board has accepted GAC advice on this same issue. ICANN is working towards timing the approvals of each of the 2013 RAA and the new gTLD Registry Agreement to make sure this happens.

Some of the most common areas suggested for modification include:

- Whois Accuracy Specification: Require pre-resolution verification; require verification of both an email address and a phone number; require annual re-verification of data; make suspension mandatory if account holder data
- Proxy/Privacy Specification: Require proxy service providers to validate underlying customer information; incorporate specific requirements for how relay of communications will occur and for reveal of underlying customer data, as opposed to the statements that service providers must post information on the processes they have available; make clearer that the requirements of the specification are applicable to resellers
- Three commenters suggested modifications to the Registrant Rights and Responsibilities
- Three commenters suggested that there be mandatory minimum requirements for Whois data elements, and that Registries could place additional items onto this list with ICANN approval, but could not take away any of the minimum elements

There are some areas where further changes at this time are not feasible. As ICANN previously noted in relation to calls for validation of proxy/privacy customer data and for enhancements to the Whois Accuracy Program Specification to allow for pre-resolution verification and for verification of multiple points of data, each of these items are anticipated to be the subject of future policy development work, which will provide a more appropriate venue to continue consideration of the balance of need, cost and public impact of the suggested changes. ICANN has already committed to, and is in the process of, re-initiating work towards a Privacy/Proxy Accreditation Program. In addition, the ICANN Board has already requested the initiation of a PDP to identify a replacement for the current Whois system, and the report and recommendations of the Expert Working Group (EWG) convened to look at this issue will be part of this PDP work. Given the forthcoming policy work in each of these areas, as well as the lack of consensus today within the community regarding the proper scope of

Privacy/Proxy services and the Whois system, it remains appropriate to hold off on further broad changes to either of these Specifications in favor of the community-based solutions that will arise out of the policy work. Similarly, incorporating minimum requirements for Whois data elements (which would modify a portion of the RAA that has long been in existence) is similarly premature given the anticipated policy work on the replacement of the Whois system.

While many commenters expressed concern that not including further detail in the Proxy/Privacy Specification, including a validation requirement, and setting out requirements for relaying of communication and reveal of underlying customer data, and imposing third-party beneficiary liability for failures to reveal, we have previously heard comments that using the RAA negotiations as the mechanism for introduction of all of these new requirements – all to be enforced through registrars – is not the proper place for this conversation to occur. This also leans in favor of the holding off on further changes to this Specification to allow the policy work to go forward. While some commenters noted concern with the temporary nature of the Proxy/Privacy Specification, it is ICANN's hope that the temporary nature will serve as a catalyst to get the community to participate swiftly and meaningfully in the forthcoming policy development work. The exclusion of the Specification from amendment processes was also a key negotiating point, so that patching of the stop-gap measure of the Specification was not seen as the tool for development of the future Proxy/Privacy Accreditation work.

One area where ICANN is taking a further look at the Proxy/Privacy Specification is in regards to the incorporation of resellers into the Specification. While resellers are specifically identified in the preamble to the Specification, commenters raised concerns that the actual text of the Specification did not impose any obligations as it relates to resellers. ICANN will be reviewing the language of the RAA in full, as well as the specification, to determine if any changes are necessary to make the contractual obligation clearer on this point.

ICANN is also reviewing some suggestions received for incorporation of new definitions into the RAA to assist in clarification, such as providing a definition for "account holder"; assuring that all definitions within the agreement are together in one place; providing a clearer identification of all specifications to the agreement; clarifying the Consensus and Temporary Policy Specification to specifically exclude the amendment and negotiation processes from being the subject of policy; and reviewing again the use of specific timeframes as opposed to the use of terms such as "promptly" to help define clear obligations on the part of the Registrar.

For the Registrant Rights and Responsibilities document, there were two versions of a new document posted by commenters as alternatives to the version posted for comment. The current Registrant Rights and Responsibilities document, as posted with the agreement, was not meant to be a full statement of all registrant rights and responsibilities arising out of being a domain name registrant. Rather, it is specifically targeted to identify contractual rights and responsibilities that are stated within the RAA, as opposed to looking to consensus policy or to broader principles of privacy rights. While the suggestions raised in the versions presented during the comment period incorporate some ideas that could be of great value for the community to discuss, they are not geared to the limited purpose of the document. To help clarify the purpose of the document, ICANN will be considering

clarifying the title of the document prior to finalizing the RAA.

One commenter queried the basis for removal of the Bulk Access requirements for Whois. ICANN will be publishing a summary of the economic basis that supports the removal of the Bulk Access provisions, to provide some transparency into that decision. Another commenter requested information on when the RAA would be revised and the options that exist for Registrars to stay on the old form of the RAA as opposed to a new form. One of the advantages of the new amendment process that is built into the 2013 RAA is that we anticipate that, once the 2001 and 2009 versions are phased out, we will no longer have multiple versions of an RAA, but rather a single version that is capable of amendment. If however, there is a need to adopt a new form of the RAA in the future, Registrars will be offered the opportunity to move to that new form. While this is an unlikely scenario given the flexibility of the 2013 RAA, it seemed prudent to be explicit about this remote possibility that will be of benefit in moving Registrars to new forms of agreement if they are ever adopted.

Some registrar commenters identified concerns relating to the use of cross-field validation. ICANN has already begun work with a volunteer registrar advisory group regarding the implementation of this new Whois accuracy requirement in a feasible manner. One registrar commenter requested clarification of the provision of the Whois Accuracy Specification that requires registrars to perform cross-field validation when requisite data is “made available” to registrars. Accordingly, ICANN is considering revisions to the specification to clarify that performance of cross-field address validation is required when the requisite data is technically and commercially available to registrars. In addition, ICANN will also be considering providing updates to the transition document to reflect the status of the work with the advisory group.

ICANN carefully reviewed all of the public comment submissions on the RAA. Through the series of opportunities for discussion on the RAA since the negotiations started in 2011, ICANN and the registrars have heard many items of concern as were raised in this comment forum, particularly as they relate to Whois and the Proxy/Privacy Specification. As a result, ICANN and the Registrars are not in a position to adopt some of the suggestions presented by multiple commenters on those issues, as they have been the subject of intense negotiation and reserved for policy discussion. However, some of the items raised within the comment forum, particularly those focusing on clarity and ease of understanding of the document, will be considered for updating. In addition, some of the items raised are already addressed within the RAA, such as requirements to update Whois data within seven days of changes, allowance for public input into the amendment or exemptions process, or the fact that resellers are able – at any time – to identify the sponsoring registrar of a domain name. While it is not feasible to incorporate every suggestion that was received on the RAA, the resulting RAA will have a lot of positive enhancements for the ICANN community. The changes, including Whois verification, minimum standards for proxy services, and others, represent major shifts in registrar obligations.

When the agreement is updated to reflect the comments received that ICANN is able to take on, the agreement will be presented to the ICANN Board for approval. After that time, registrars will be able to sign onto the new agreement. ICANN is committed to participating in registrar educational opportunities to make sure that registrars are aware of their new obligations.

