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VIA ELECTRONIC MAIL

Mr. Fadi Chehade
President and CEO
ICANN
12025 Waterfront Drive
Suite 300
Los Angeles, CA 90094-2536

Re: Comments of General Electric Company Regarding the Proposed
Final Registrar Accreditation Agreement ("RAA")

Dear Mr. Chehade:

General Electric Company ("GE") appreciates this opportunity to submit comments regarding the Proposed Final Registrar Accreditation Agreement ("RAA"), and echoes the voices and compliments of others who have agreed that the Proposed RAA represents a significant improvement over previous such agreements.

The focus of these Reply Comments is on the various requirements or, in some cases, lack of requirements regarding WHOIS and the verification of identifying information for Registered Name Holders.

Like many other companies and brandowners, GE is forced to spend tremendous sums of money each year tracking down infringers and wrongdoers who have either provided false information to Registrars or who hide behind proxy and privacy services to drastically slow down the process of rectifying domain name abuse. Even ICANN's recent "Preliminary Issue Report on gTLD registration data services" pointed out that only 22.8% of all gTLD registration data entries were fully accurate and more than half had failures beyond what could be considered "minimal."

GE therefore supports much of the already submitted comments of entities like the Intellectual Property Constituency, the Business Constituency, Comcast/NBCUniversal, the Music Community Coalition, the Association of National Advertisers, and the International

Trademark Association, as well as prior statements made by law enforcement agencies, who have all stated that requirements concerning WHOIS and Registrar obligations regarding the submission and keeping of Registered Name Holder identifying information should be substantially increased and tightened to avoid misinformation and subterfuge.

As an initial matter, GE does not believe that proxy and privacy services should be allowed for domain name registrations except in rare circumstances (and all such circumstances should be limited to non-commercial activity). The Affirmation of Commitments regarding WHOIS (Section 9.3.1) requires that “ICANN implement measures to maintain timely, unrestricted and *public access* to accurate and complete Whois information, including registrant, technical, billing, and administrative contact information.” In addition, as pointed out in the past, privacy and proxy services contravene certain GAC-proclaimed principles regarding WHOIS.

Unfortunately, there are also conflicts between a) provisions in the RAA designed to increase accuracy in the identifying information of public Registered Name Holders, and b) ICANN’s Specification on Privacy and Proxy Registrations (the “Specification”) (www.icann.org/en/resources/registrars/raa/proposed-privacy-proxy-24apr13-en.pdf) that will only serve to drive more Registered Name Holders to proxy and privacy services. For example, the Specification does not seem to require any proxy or privacy service to either validate identifying information of the true Registered Name Holder; nor does it mandate any punishment for false or incomplete data on the part of the underlying name holder or the service itself.¹

We believe Registrars should have to impose an absolute requirement that Registered Name Holders provide accurate information, whether a particular registration is privacy protected or not. We understand this may involve edits to the Specification in order to accomplish this. It is untenable to have those who provide information to the public be subject to accuracy and verification rules while those who enlist privacy/proxy services—often to frustrate law enforcement and intellectual property owners—get a free pass.

Registrars should not be allowed to activate a domain name registration until after contact information of the true/underlying Registered Name Holder has been verified by the Registrar or

¹ We also note that the new Specification explicitly removes the statement in the prior Interim Specification, Paragraph 3.1, that proxy/privacy services actually “*abide*” by their terms and conditions. It seems like this must be an error as there cannot be any rational reason why such an obligation would be removed. Without it, almost all other obligations are merely lip service.

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the privacy/proxy service.² Privacy and proxy services found to be facilitating the use of false, inaccurate, or incomplete data should face appropriate consequences.

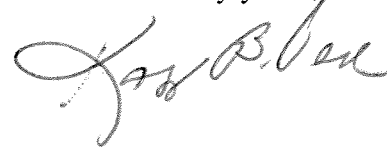
Next, Proposed Section 3.7.7.2 states that if a Registered Name Holder willfully provides inaccurate information, fails to update information within seven days of any change, or fails to respond for over 15 days to inquiries by the Registrar concerning the accuracy of the name holder's identifying information, that shall be considered a material breach of the Registered Name Holder-Registrar contract and can be a basis for suspension and/or cancellation of the Registered Name registration. We believe this Section should be made stronger. Under the current language, Registrars may decide to undertake little or no action regarding what the stakeholder community might believe are major violations. Violators in breach should face mandatory suspension, with the breach being a basis for possible cancellation.

Other areas would benefit similarly from increased certainty. Section 3.3.1, for example, discusses information required to be provided by a Registrar, including "with respect to any gTLD operating a 'thin' registry." GE agrees with the International Trademark Association and law enforcement agencies that there should be a transition to the use of thick WHOIS across all registries. After listing required identifying information, Section 3.3.1 goes on to state that an "agreement between the Registry Operator of a gTLD and Registrar may, if approved by ICANN in writing, state alternative required data elements applicable to that gTLD, in which event, the alternative required data elements shall replace and supersede" all of the RAA required information. This wording suggests that much of the RAA-required information may be eliminated by agreement. The RAA should make clear that the required information in Sections 3.3.1.1-3.3.1.8 is a minimum standard, and that any requirements from a registry-registrar agreement that would "replace and supersede" Sections 3.3.1.1-3.3.1.8 would have to include and go beyond those requirements.

Finally, GE agrees with certain other filed comments that no new gTLDs should be allowed to go live before the RAA is finalized and that no Registrar may offer any domain names in the new gTLDs before it signs the finalized RAA.

Thank you for your consideration of these comments. If you have any questions or wish to discuss any of the points raised herein, please feel free to contact me at kathryn.park@ge.com.

Sincerely yours,



² As the current Proposed RAA is written, the domain name can resolve for up to 15 days without verification before any action is considered.