

The International Anti-Counterfeiting Coalition (IACC) provides these reply comments on the “Final” Registrar Accreditation Agreement Amendments. The IACC has been actively engaged in the ICANN process on this issue, through its membership in the Intellectual Property Constituency and through the public comment process.

The IACC respectfully reiterates its objection to the entire negotiation process on the basis that the negotiations should not be “closed” between ICANN staff and the Registrar constituency. Key issues of public importance are implicated by these negotiations. See, : <http://forum.icann.org/lists/raa-subsection-3773-advisory/msg00007.html>.

After repeated assurances that no agreement would be finalized without an opportunity for public comment, it appears that – at least in the context of the RAA Amendment process – the public comment process is a mere formality. The proposed “Final” amended agreement was posted for public comment when an earlier public comment period concerning an earlier draft amended RAA was still pending.

The proposed “Final” amended agreement not only failed to address concerns raised by, among others, the IACC, regarding WHOIS validation and the proposed specification governing privacy and proxy services; it actively diluted elements contained in those areas of importance to numerous stakeholder groups.

To the extent public comments are still under consideration, the IACC specifically notes its prior comment published at <http://forum.icann.org/lists/comments-proposed-raa-07mar13/msg00010.html>. The now “Final” RAA not only fails to address any of the issues previously noted, it weakens an already weak “specification” to address privacy and proxy services pending a fully-developed policy development process. Despite repeated comment noting widespread abuse of the privacy/proxy services, ICANN has retreated from incorporating any meaningful requirement governing such services in the “Final” RAA.

The IACC also endorses the comments published by the Intellectual Property Constituency. <http://forum.icann.org/lists/comments-proposed-raa-22apr13/msg00002.html>.