

Comment of Comcast/NBCUniversal On the Proposed Final 2013 Registrar Accreditation Agreement (RAA)

Comcast/NBCUniversal appreciates the opportunity to comment on the proposed final 2013 Registrar Accreditation Agreement. As an Internet company, intellectual property owner and applicant in the new gTLD process, Comcast/NBCUniversal takes particular interest in the RAA. Coupled with rigorous enforcement, strong contractual terms for domain name registries and registrars can provide tremendous value in making the Internet safer, more secure and more reliable for creators, consumers and the global Internet community.

The negotiation process for the 2013 RAA was anomalous, in that it involved only one recognized stakeholder group – domain name registrars – with the ICANN staff speaking on behalf of all other affected stakeholders, including law enforcement, at-large users, businesses and the intellectual property community. While Comcast/NBCUniversal maintains reservations regarding the process, and how it fits into ICANN's multistakeholder model, the final outcome of that process was largely positive.

While not perfect, the proposed final 2013 RAA represents a significant evolutionary improvement over previous iterations of the contract. Assuming that a) registrars can be encouraged to sign the 2013 RAA quickly and b) that ICANN devotes appropriate resources to enforcement, the new contract should make the DNS a safer, more predictable environment for legitimate users worldwide. The contract, which draws heavily on a series of recommendations from the global law enforcement community should make it harder for bad actors to register domains abusively, and easier to identify and remediate fraud in the system. Comcast/NBCUniversal commends all parties to the negotiation process for their productive engagement and commitment to resolving challenging issues.

As we have said in previous comments, the negotiated contractual terms based on the 12 law enforcement recommendations are not as rigorous as Comcast/NBCUniversal would have proposed had we been permitted to participate in the development of the proposed final 2013 RAA. On issues relating to authentication, and data accuracy, the final language does not go as far as it could to prevent potential abuse. That the current process does not seem to include a forum to address those issues is a source of some concern.

On the issue of proxy registrations – an area of critical concern to law enforcement, industry and the intellectual property community – it is somewhat concerning that the 2013 RAA cedes authority to an as-yet-undeveloped future ICANN policy on the issue. Criminal scammers and commercial pirates have a well-documented history of exploiting the holes in ICANN's largely unregulated network of proxy registration services. If those holes remain open, even an improved baseline RAA will not have the desired effect of increasing transparency and consumer trust in the DNS. The

2013 RAA will not be truly final until all component policies on which it depends are also resolved.

Still, the final 2013 RAA remains a greatly improved document over the 2009 iteration, and will be critical to minimizing potential harm to consumers and businesses when new gTLDs are deployed in the root. Comcast/NBCUniversal is extremely supportive of ICANN's commitments that:

- 1) The 2013 RAA be finalized before new gTLDs go live in the root; and
- 2) Registrars be required to sign the 2013 RAA before they are permitted to sell domains in new gTLDs.

While it would be preferable for all ICANN-accredited registrars to sign the 2013 agreement as soon as it is finalized and approved by the ICANN Board, the new gTLD provision minimally ensures that the new gTLD "land rush" will take place under the strongest-possible rules.

Ultimately, the success of the 2013 RAA as a tool for strengthening the DNS and enhancing consumer trust will hinge on ICANN's commitment to enforcing its terms. While the 2013 agreement does mark a substantial improvement over previous iterations, those contracts also contained meaningful provisions that too often went unenforced among a small but dangerous group of bad actors. We admire the commitment of the restructured ICANN staff to contractual compliance and enforcement and believe that the 2013 RAA will prove the best possible testing ground for that commitment.

Should ICANN and the registrar community commit to acting in the letter and the spirit of the 2013 RAA as written, the entire global Internet community will benefit.