Dear RAA Working Group members,

I know you will continue your work during ICANN's Seoul meeting, considering possible future changes to the Registrar Accreditation Agreement (RAA) and development of a proposed Registrant Rights Charter. This work is of significant interest to many stakeholders - Registrars, Intellectual Property interests, At Large, and others - all in the interest of effective protection of and service to registrants.

There is another important view for consideration in this discussion: that is from the perspective of the execution/enforcement of the RAA through ICANN's contractual compliance work. Why?

* Future RAA changes should consider aspects of the existing RAA that are hard to enforce, or for which there are significant mismatches between community expectations and actual enforcement provisions and tools.
* RAA provisions should define practices that are efficiently enforceable. Some of the existing provisions are expensive and time consuming to execute for both ICANN (inefficiently spending registrants' money), and for Registrars.
* On a daily basis, staff compliance work is either aided or frustrated by clear, enforceable language.

Immediately after the Seoul meeting, staff will provide the working group with a set of notes outlining areas of potential concerns, and offer some possible  implementation options for those areas of concern for community consideration. The primary reason for providing these implementation options is to ensure that there is at least an "existence proof" of a possible solution. Staff is not saying that these concerns are certainly of most importance to the community, or that the solutions are right. Staff is simply trying to offer you an actionable set of suggestions for your consideration, based on day-to-day experience in enforcement/compliance.

Staff notes will address the following possible areas of concern:

* Cybersquatting: Explicitly tackle the issue of possible cybersquatting by Registrars, suggesting that cybersquatting be considered a violation of the RAA.
* Malicious Conduct: Establish requirements for Registrars to investigate and report out on credible reports regarding malicious conduct.
* Registrant data escrow: Extend data escrow requirements to privacy and proxy registrations.
* Full information on affiliates: For relevant compliance purposes, ensure ICANN has complete information on and ability to verify Registrar and affiliate information.
* Whois Accuracy: Extend requirements for problem investigation to some definition of validation or verification of accurate data.
* Clarify response time requirements: Clarify and codify the amount of time a registered name holder has to respond to an inquiry or accept liability for harm caused by wrongful use of that name.
* Improve timeliness of arbitration processes: Reduce the number of arbitrators to save time and expense for all involved, when arbitration is required.
* Modernize process for TLD accreditation: With many registrars and possibly many TLDs, improve administrative process so that Registrars in good standing can efficiently be accredited for additional TLDs.

I hope that the working group will find these inputs useful for your consideration.

As ICANN's Chief Operating Officer, I want to ensure that staff is providing you with the "front line" information about areas of possible concern directly experienced in our enforcement processes. Success for the community and for registrants is a set of rules that provide adequate registrant protection, are easily understood by all, represent a consensus, and that can be both effectively implemented by Registrars and are efficiently enforceable in a way that meets expectations.

I am very interested in how the community will drive further considerations of the RAA, and will be tracking your work closely – in the working group and beyond. If I or other ICANN staff can provide information or assistance, please let me and your assigned Policy Staff support, Margie Milam, know.

Sincerely,

Doug Brent