

On behalf of the International Anti-Counterfeiting Coalition (IACC), we are pleased to provide comments on the Preliminary GNSO Issues Report on the Registrar Accreditation Agreement Amendments (RAA Amendments). The IACC has been actively engaged in the ICANN processes, in part through its membership in the Intellectual Property Constituency and through the public comment process.

As evidenced by those comments, a key driver of IACC participation has been ICANN's failure to protect against the kinds of abuses the subjects raised by the proposed RAA Amendments attempt to address.

The IACC welcomes the serious, if belated, attempts by ICANN to address important issues related to registrar abuse, WHOIS access, accuracy and completeness and proxy services. The IACC notes that this belated effort appears to be a response to GAC communications and specific proposals advanced by the law enforcement community due to failures by the ICANN community to address these issues – despite the efforts of certain members of that community (including IACC) to have ICANN perform its obligations under the memoranda of understanding and, now, the Affirmation of Commitments.

The IACC therefore supports, in principle, the proposed policy development process (PDP) to address the RAA Amendments. The IACC can only endorse the proposal in principle as many of the subjects noted in Annex 2 may also be included in pending (closed) negotiations between ICANN staff and the registrar constituency relating to many of these same subjects. To the extent issues raised by Annex 2 can be addressed adequately through those negotiations, the IACC supports the more expedited resolution of those issues through that process. The IACC is, however, concerned with the lack of transparency which characterizes those negotiations and the corresponding lack of input from other interested members of the ICANN constituency such that the IACC doubts many of the most important issues will be addressed at all and, if addressed, will be addressed adequately through the registrar negotiations.

The IACC also rejects any effort to further delay a PDP on WHOIS issues (to the extent it remains appropriate after registrar negotiations have been concluded) pending outstanding studies. To the extent that WHOIS inadequacies have been front and center among concerns expressed by GAC and law enforcement efforts, the IACC is confident that any attempt to de-couple WHOIS in order to delay long-overdue RAA amendments to address WHOIS deficiencies, will be rejected.

The IACC therefore supports the staff recommendation; namely that the proposed issues are within the scope of the ICANN policy process and that the GNSO council proceeds with a policy development process concerning uniform implementation of a thick WHOIS requirement upon all registries.