

Comments of the International Anti-Counterfeiting Coalition ("IACC") on the Initial Report for Improvements to the Registrar Accreditation Agreement ("RAA Improvements Report")

The IACC welcomes the opportunity to comment on the RAA Improvements Report

The IACC is the world's oldest and largest organization representing exclusively the interests of companies concerned with trademark counterfeiting and copyright piracy. Our members consist of over 200 corporations, trade associations, and professional firms and represent total annual revenues of approximately \$750 billion. Our brand and copyright owner members represent a broad cross-section of industries, and include many of the world's best known companies in the apparel, automotive, consumer goods, entertainment, pharmaceutical, and other product sectors. The IACC is committed to working with government and industry partners in the United States and elsewhere, to strengthen IP protection by encouraging improvements in the law and the allocation of greater political priority and resources, as well as by raising awareness regarding the enormous—and growing—harm caused by IP violations.

The IACC applauds the efforts by ICANN to grapple with serious and systemic issues associated with the domain name space, many of which can only be effectively addressed through comprehensive amendment of the Registrar Accreditation Agreement ("RAA").

The IACC's primary reason for submitting this comment is to state its strong belief that Proposed Process "A" is the appropriate process for further deliberations relating to the amendment of the RAA.

A significant contributory factor for the failure of the initial amendments to address these key topics of critical importance to the Internet community can be attributed to the misguided belief the negotiation of the RAA is a private negotiation involving private rights. This is clearly not the case. The fact the RAA addresses rights of third parties not part of the RAA (registrants, intellectual property rights owners, among others) constitutes an explicit recognition that stakeholders not party to the RAA are directly affected by its terms. The failure to adequately include those stakeholders in discussions concerning the RAA does this do a serious injustice to the broader issues affecting the entire Internet user community and it reflects a fundamental mistake regarding ICANN governing role in managing the domain name space. To suggest that affected communities are properly excluded from any part of the negotiating process is tantamount to suggesting that the public is properly excluded from governmental deliberations setting terms under which regulated enterprises are allowed to operate.

The IACC notes participation and specific recognition of issues raised by law enforcement as topics to be assigned priority in a future round of negotiations. The IACC joins with the law enforcement community in identifying these issues as key issues requiring urgent attention in any new round of RAA amendments.