

4 February 2011,  
by Steve Gobin

**Summary and Analysis of Comments for: “Proposed Changes to Enhance ICANN's Registrar Accreditation Evaluation Process”**

*Summary:*

ICANN initiated this comment period to solicit feedback related to proposed changes to its registrar accreditation application evaluation process. The comment period was open from 22 November 2010 to 21 January 2011. Four comments were received. All comments can be viewed at: <http://forum.icann.org/lists/registrar-accredit-eval/>.

Of the four comments received, three were generally supportive of ICANN's initiative to augment the background checks performed by ICANN (“due diligence”) during its review of registrar accreditation applications. Each of the three supportive comments suggested additional registrant protections that could be implemented, some of which could be incorporated into ICANN's due diligence procedures and some of which might be better suited as independent initiatives or consensus policies.

One comment expressed opposition to the proposed changes, citing the potential financial impact on registrars and a perceived lack of positive benefits.

*Analysis:*

Three of the commenters, Barbara Madonik, the European NGO Alliance for Child Safety Online (“eNACSO”), and the International Trademark Association Internet Committee (“INTA”), supported enhanced due diligence by ICANN in its registrar accreditation application evaluation process:

Barbara Madonik also observed that some, potentially fraudulent, marketing abuses have occurred related to newly available country-code domain names.

eNACSO observed that the proposed changes may help reduce the possibility of abuse of the domain name system by criminal organizations or criminal individuals who have sold or promoted child abuse images.

INTA proposed three modifications to the registrar accreditation application questions and a change to the “terms and conditions” section of the application. One of the proposed amendments would require prospective registrars to disclose whether “within the past ten years, [the applicant] has been (i) a defendant in litigation involving claims of intellectual property infringement and/or cybersquatting; or (ii) a respondent in a proceeding under the UDRP (or analogous ccTLD policy).” The other amendments proposed by INTA would generally require applicants to be more complete and timely in their responses. INTA also encouraged ICANN staff to expand its due diligence efforts to include search of records of civil and administrative proceedings to assess whether the applicant's attestation of truthful disclosure was, in fact, true and accurate.

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ICANN staff will consider implementation of all of the proposed amendments and process improvements submitted by INTA. It is noted, however, that the proposed additional evaluation criterion related to infringement of intellectual property may require amendment of the Statement of Registrar Accreditation Policy < [http://www.icann.org/en/registrars/policy\\_statement.html](http://www.icann.org/en/registrars/policy_statement.html) > by the GNSO, as this policy sets out the minimum qualifications for accreditation and identifies the “matters potentially leading to ineligibility” for registrar accreditation.

One comment was received from accredited registrar Sibername Internet and Software Technologies (“Sibername”). Sibername expressed that the proposed changes to the accreditation application would not have any positive effect on registrar accreditation and that the increased annual costs to registrars would be too burdensome. It is worth noting that the cost of the proposed enhancements to ICANN’s accreditation application evaluation process would not be borne by existing registrars, but rather, would be entirely borne by prospective registrars in the form of an increased, one-time application fee. Nevertheless, ICANN staff is mindful of the underlying concern expressed by Sibername.

*Next Steps:*

1) ICANN staff will consider the proposed revisions to the accreditation application and “terms and conditions” document, and will develop new versions as appropriate. Once finalized, the amended document(s) will be posted and made applicable to all new registrar accreditation applications following a brief grace period (to allow any applications already in progress to be submitted).

2) Staff will further consider the proposed additional due diligence checks to determine how they may be implemented most effectively.

3) The public comment also covered the proposed increase of the application fee. With the exception of one commenter that mistakenly thought the application fee applied to existing registrars, no objection was received against this proposal. Therefore, ICANN will submit this proposal to the ICANN board for approval. If it is approved, we will modify the fee to USD 3,500 starting with the new fiscal year. Prior to the increase coming into force, we will post an announcement on the ICANN website.

*Commenters:*

23 Nov. 2010: Ms Barbara Madonik

27 Nov. 2010: Sibername Internet and Software Technologies

21 Jan. 2011: INTA

21 Jan. 2011: eNACSO

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