

GNSO-approved set of RAA Amendments

Summary of Public Comments

The public comment period for the GNSO-Approved Amendments to the Registrar Accreditation Agreement was open from 6 March 2009 until 6 April 2009 pursuant to a Board resolution at the Mexico City meeting (<http://www.icann.org/en/minutes/resolutions-06mar09.htm#09>).

A total of five distinct submissions were received during the comment period and are summarized below.

GoDaddy.com, Inc.

This letter expressed support for the published amendments and acknowledged the “time, effort, and spirit of cooperation” by all of the GNSO constituencies in their development.

The letter also suggested that the ICANN Board of Directors consider financial incentives be used to encourage early adoption. It also stressed that the amendments should be adopted as a group.

Deutsche Telekom AG

This comment focused on the Registrar Audit provision and, specifically, the terms under which Registrar confidential information can be made public. Concern was expressed that the term “Registrar confidential information” was not defined and that any disclosure “should respect national laws and especially data protection laws.” The comment requested that the term be better described and that publication of any confidential information respect all applicable laws.

Danny Younger

This comment focused on the implementation procedure, objecting to the extended time involved in waiting to implement the amendments until each RAA expires and renews. The comment proposed following a provision in the RAA whereby the ICANN Board of Directors can adopt consensus policies on a temporary basis if it “determines that immediate temporary establishment of a specification or policy on the subject is necessary to maintain the operational stability of Registrar Services, Registry Services, the DNS, or the Internet, and that the proposed specification or policy is as narrowly tailored as feasible to achieve those objectives.”

Internet Commerce Association

The letter submitted by the ICA urged swift approval by the ICANN Board of Directors of the proposed amendments and that the Board should explore incentives to encourage early adoption by registrars. The ICA also expressed support for the process to establish a registrant rights charter as detailed in the GNSO motion.

Registrar Constituency

This comment expressed support for the published set of amendments and encouraged adoption by all registrars “sooner rather than later.” The constituency suggests that ICANN provide financial incentives for registrars to adopt early that could offset the additional compliance costs to be incurred.

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Conclusion

The majority of these comments recommends and supports Board of Directors adoption of the GNSO-approved set of RAA amendments. There is also support in three of the five comments for use of some form of incentives to encourage early adoption. While one of the comments suggests an implementation procedure other than the one recommended, the key theme appears to be that the changes are a positive development and the sooner they can be adopted and implemented, the better.

Briefly, in response, ICANN plans to provide incentives in order to encourage early adoption of the amendments and will continue to consider all recommendations on the subject. Regarding data protection, ICANN will continue to comply with ICANN's Procedure for Handling Whois Conflicts with Privacy Law and will refer the comment made here to the GNSO for consideration in additional amendments.

Next Steps

In a resolution from the Mexico City meeting, the Board of Directors has committed to "to act on approval of the amendments at the earliest opportunity" following this public comment period.