

April 6, 2009

Registrar Constituency Position on GNSO-Approved RAA Amendments

BACKGROUND

In March 2009, the Registrar Constituency ("RC") was asked to provide feedback regarding the GNSO-Approved RAA Amendments ("RAA Amendments"). This Position Paper captures the overall sentiment expressed by the RC Members who provided feedback about this matter. Due to time constraints, however, no formal vote regarding this Position Paper was taken.

RC POSITION

The RC supports the RAA Amendments. The RC believes adoption of the complete set of RAA Amendments will have a positive effect on the ICANN community.

In particular, the RC anticipates that the Amendments will improve ICANN's registrar compliance and enforcement initiatives. The new enforcement tools provided under the RAA Amendments allow for needed intermediate-level recourse when bringing registrars into compliance.

In the RC's view, it would be beneficial for the entire ICANN community if the RAA Amendments were adopted by all registrars sooner rather than later. However, because of the timing of certain registrar contracts, ICANN may have to wait as many as five years for all registrars to become bound by the amended RAA.

The RC suggests that ICANN consider providing financial incentives to encourage all registrars to adopt the amended RAA early. Registrars who adopt the amended RAA early will inevitably incur additional compliance costs related to the amendments, including costs related to: reseller contracts, website changes, additional audits, potential liability, etc. In the RC's view, it seems reasonable for ICANN to encourage early adoption by providing financial incentives to registrars in order to offset these anticipated costs.

The RC eagerly anticipates full adoption of the RAA Amendments and it is looking forward to working with ICANN to explore the possibility of financial incentives for early adoption. Additionally, the RC is looking forward to working with the community on further potential changes to the RAA and on the registrant rights and responsibilities charter.

CONCLUSION

The opinions expressed by the RC in this Position Paper should not be interpreted to reflect the individual opinion of any particular RC member.