



Comments on the Registration Abuse Policies Working Group Initial Report

The Coalition Against Domain Name Abuse (CADNA) welcomes the opportunity to comment on the Registration Abuse Policies Working Group Initial Report. It also appreciates the effort the RAPWG went to in investigating these issues, which are fundamental to the infrastructure and everyday operations of the Internet.

CADNA recognizes that a significant portion of abuse and malicious conduct that occurs in the domain name space begins during the registration process and results from the exploitation of loopholes in rules and requirements. As such, this endeavor by the RAPWG to examine domain name issues was necessary.

As a coalition of prominent brands and businesses, cybersquatting is one of the issues that most directly affect CADNA and its members. At the core of CADNA's mission is protecting brands and, by extension, Internet users and consumers, through the eradication of cybersquatting and other domain name abuses. CADNA agrees with the RAPWG's recommendation to investigate the current state of the UDRP and address any shortcomings and problems with the process. As it is, the UDRP only exists as a reactive, rather than a proactive means of combating cybersquatting. While the UDRP can help to rectify instances of cybersquatting once they have occurred, it does not adequately prevent cybersquatters from registering infringing domain names. To spur truly effective change in regards to cybersquatting, the RAPWG should also consider recommending that a PDP work to develop an initiative to create a mechanism to prevent cybersquatting before cybercriminals can register infringing domain names.

In regards to the RAPWG's second recommendation to investigate how any Rights Protections Mechanisms in other parts of the community can be applied to the current gTLD space, CADNA agrees with the six RAPWG members who believe that such an initiative would be premature. Having read through previous versions of the Draft Applicant Guidebook for new gTLDs and other ICANN materials, CADNA believes that the RPMs outlined therein are inadequate, and as such should not be applied to the current gTLD space.



Overall, CADNA supports the recommendations that the RAPWG has outlined regarding WHOIS access, the uniformity of contracts and the meta-issues described in the reports. One aspect that emerged across each of those recommendations was the need for consistency across different entities, in many cases as domain name registries and registrars. Consistency in policy is absolutely vital. ICANN is a single organization charged with the governance of the Internet, a diverse, multi-faceted entity with a global scale. The only way that it will be able to effectively manage the Internet is by enforcing certain uniform practices that are designed to protect Internet users around the world, such as best practices and reporting requirements. Many issues have resulted from lack of consistency, especially across domain name registries (i.e., lack of WHOIS accuracy). When it comes to issues about domain name registration and use, if registrants expect to enjoy the benefit of participating in the global arena of the Internet, they should all be required to play by the same rules.

In terms of the malicious use of domain names, CADNA agrees with the alternative view described in the recommendation, the view that ICANN should impose mandatory practices on contracted parties regarding the use of domain names. The recommendation of the creation of non-binding best practices is simply too soft to ensure that registrars and registries actually comply and work to eliminate the malicious use of domain names. The best practices should be a mandatory aspect of every Registrar Accreditation Agreement in order to prevent such malicious use and protect Internet users.

Despite those very positive and useful recommendations in this Report, CADNA was disappointed to see that the RAPWG refrained from recommending action to solve certain problems, namely front running. It seemed as though the RAPWG simply did not have enough information about these issues to provide informed advice on how to improve them. As such, the first step must be to not only monitor, as the report suggests, but to actively investigate and seek out the root of each of these problems. ICANN experienced a certain degree of success when it actively sought to address the problem of domain name tasting in the past, and CADNA believes



that with enough effort and the right strategy, the organization is capable of improving the problems of front running and domain kiting as well.