



22 Mar 2010

Registration Abuse Policies

Please accept the following comments in response to the publication of the Initial Report of the Registration Abuse Policies (RAP) working group.¹ Go Daddy reserves the right to future comments on this issue and our positions include, but are not necessarily limited to, the text herein.

Go Daddy commends the work of the RAP working group and their efforts to catalog these issues and develop this Interim Report. We recognize the complexity of the issues the RAP has examined, and there are no simple solutions. We offer the following comments as the RAP working group endeavors to produce its final report and recommendations to the GNSO Council

Scope Issues

Abuse on the Internet is a significant problem, complicated by the fact that no one organization or jurisdiction can solve it independently.

Go Daddy is mindful of its responsibilities as a registrar, web host, and provider of email services. As a hallmark of our industry leadership, we vigorously contribute to cooperative efforts to detect and mitigate online abuse. We have unilaterally invested significant resources in the technologies, tools, and personnel to combat abuse and, working with law enforcement and government agencies, have helped advance new legislation in the fight against online criminals.

We believe ICANN plays an important role in these efforts, but as a cooperative stakeholder and not a regulator of anti-abuse activities. We therefore recognize clear limitations to the scope of ICANN's policy development, which do not include the manner in which a domain name is used, or even if it is used at all. We advise the working group to avoid advancing any recommendations that lie outside the purview of ICANN's existing contractual relationships.

"Cybersquatting" and the UDRP

Go Daddy offers cautious support to the RAP recommendation that the Uniform Domain Name Dispute Resolution Policy (UDRP) be reviewed for its effectiveness as a tool to combat the problem of Cybersquatting. Our support for this is contingent on our expectation that this include a comprehensive review of the UDRP, including how ICANN manages the procedures of UDRP providers, and the development of a formal procedure to oversee the modification of their Supplemental Rules.

New Rights Protection Mechanisms (RPMs)

Since the October 2009 General Meeting in Seoul, the implementation schedule for new gTLDs has no set time frame, and instead focuses on resolving the remaining overarching issues. The Rights Protection Mechanisms adopted by the ICANN Board of Directors on March 12, 2010 will include some version of the Uniform Rapid Suspension (URS) and Trademark Clearinghouse (TMCH) in the next version of the gTLD Applicant's Guidebook.

While we are pleased to see progress in this area, it is precipitant to suggest that these undeveloped and un-deployed mechanisms be applied to incumbent gTLDs. Any recommendations from the RAP for policy work in this area must await some degree of practical experience with their effectiveness in new gTLDs.

Uniform Abuse Provisions

Registries and Registrars are not uniform in their business models, so it is not practical to require uniformity in their agreements with regard to abuse. To the contrary, we believe that in doing so, such a move by ICANN would have negative impacts on innovation, competition, and the problem of abuse itself.

Should ICANN require detailed abuse provisions by registrars, we predict that registrars who are currently leading the fight against online abuse will abandon their existing efforts, in favor of the new requirement. We base this projection on two assumptions. First, the Uniform ICANN provisions will be more cost-effective to implement than registrars existing practices, since they would likely be developed for all sizes of registrars. Secondly, any registrar exceeding the Uniform ICANN provisions would expose themselves to additional risk and/or liability.

With regard to this latter point, we would expect registries and registrars to require some degree of indemnification on the part of ICANN in conjunction with implementing any proposed mandatory abuse provisions. In at least one instance involving the IRTP, registrars have found that acting in accordance with ICANN Consensus Policy does not adequately guard against the risks assumed.

Finally, by publicizing the standard anti-abuse provisions for all registrars, ICANN will be providing online criminals with a blueprint to uncover any systemic weakness. This is akin to a farmer planting a single species of grain, making her entire crop vulnerable to a single parasite. In this respect, the diverse and dynamic spectrum of registrar anti-abuse practices helps to frustrate future attacks.

Conclusion

Again, we extend our appreciation to the RAP working group for their efforts in developing this Initial Report, and await their final recommendations on these matters.

Sincerely,
GoDaddy.com, Inc.

A handwritten signature in black ink, appearing to read "Tim Ruiz", with a stylized flourish at the end.

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1. <http://www.icann.org/en/announcements/announcement-12feb10-en.htm>