Registrar Negotiating Team: RAA Update

27 June 2012

Negotiating Teams

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- Jeff Eckhaus
- Volker Greimann
- Rob Hall
- Tim Ruiz
- Matt Serlin
- Other members of the SG actively following/contributing

Scope and Status

- Comprehensive revision of RAA
  - LEA recommendations
  - Registrar "asks"
  - ICANN "asks"

- Several drafts exchanged
  - ICANN draft (4 June 2012) responding to NT draft (15 March 2012)
  - Not a negotiated draft – understates progress and degree of consensus
  - Detailed Registrar NT response to ICANN draft posted http://www.icannregistrars.org/calendar/announcements.php

- Discussions with LEA in Costa Rica, Prague, teleconference

- NT draft and response subject to ongoing SG input

Law Enforcement Recommendations

1. Privacy and Proxy Services
   o Registrars will work with ICANN to develop proxy accreditation service and will not use unaccredited services

2. Prohibitions of illegal, criminal, malicious conduct
   o Generally acceptable, based on final judgments by competent tribunals applying applicable law relating to cybersquatting or its equivalent

3. Valid Physical Address and Contact Information
   o Posting and update requirements

4. Officer Information
   o Posting and update requirements

5. Disclosure of Affiliated Registrars
   o Information to be provided to ICANN and updated

LEA Recommendations, Cont.

6. Changes to Location, Ownership,   Convictions
   - Information to be provided to ICANN and updated

7. Business Licenses
   - Posting and update requirements

8. Reseller Accountability
   - Registrars required to take steps to ensure that all sponsored registrations are undertaken in compliance with RAA requirements

9. Abuse Point of Contact
   - Registrars to publish information about complaint processing, provide standard, auditable, process for submitting complaints, provide 24/7 monitored contact information for designated/authenticated law enforcement, consumer protection, and other authorities

10. Port 43 WHOIS SLA
    - For thin registries

WHOIS Validation

- Presence of Data, format validation (phone, email, postal address)
- NT proposal to verify working telephone/SMS or email promptly following registration/account creation
  - ICANN draft calls for verification of phone and email prior to resolution
- Registrations/Account Holders that cannot be verified will be suspended
  - Re-verification upon receipt of information suggesting inaccuracy (e.g., bounced email)
- Further enhancements consistent with community input, impact assessment, experience

Data Retention & Collection

- Retention Period
    - ICANN "life + 2" standard for all data
    - NT two-tiered structure
        - "life + 2" for name/contact/service information
        - Minimum of 6 months for payment data, log files, "other records"
        - The nature of the data determines the applicable retention period.
- Detail
    - LEA/ICANN request to collect sensitive payment information, including the name of the financial institution, bank routing number, any and all account numbers and associated expiration dates, security codes, and addressing information.
    - NT proposal: means and source of payment information to that which is reasonably necessary for the Registrar to process the Registration transaction, or a transaction number provided by a third party payment processor.
- Scope
    - The ICANN language imposes collection and retention requirements on services that fall outside of the RAA.
    - NT proposal would limit the reach of the RAA data collection and retention requirements to services that are directly related to a specific registration and subject to the RAA.

ICANN "Asks"

- Picket fence expanded to encompass use; other items unrelated to stability and security (including all commercial provisions of the RAA)

- Ability to "revoke" RAA based on determination that the accreditation model is not practical

- Ability to amend the RAA unilaterally in a variety of circumstances through undefined "specifications" and "policies"

NT "Asks"

- Limit Port 43 Requirement to thin registries
- Eliminate Bulk Access Requirements
- Streamline renewal and new TLD accreditation
- Align Consensus Policy and Amendment processes with those in the new gTLD Agreement

Concerns