

GNSO gTLD Registries Stakeholder Group Statement

Issue: Preliminary GNSO Issue Report on the Registrar Accreditation Agreement Amendments

Date: 13 January 2012

Issue Document URL: <http://gns0.icann.org/issues/raa/prelim-issue-report-raa-amendments-12dec11-en.pdf>

This statement on the issue noted above is submitted on behalf of the gTLD Registries Stakeholder Group (RySG). The statement that follows represents a consensus position of the RySG as further detailed at the end of the document. The RySG statement was arrived at through a combination of RySG email list discussion and RySG meetings (including teleconference meetings).

The RySG commends ICANN staff for a job well done; the report is very thorough and demonstrates that a lot of thought went into it.

Because the Board resolution recommends an expeditious handling of these issues, RySG believes that the staff recommendation to divide the topics into multiple PDPs that operate concurrently is wise. But, as noted in the next paragraph, doing that may be easier said than done unless some upfront preparation is accomplished.

Regarding the staff recommendation on page 36:

“Staff suggests that the GNSO Council consider dividing these Proposed Amendment Topics into approximately 4 separate PDPs, to be run in parallel as follows:

1. Registrar Duties, Responsibilities and Obligations RAA Amendments
2. WHOIS DATA Related RAA Amendments
3. RAA Amendments concerning Resellers and Privacy and Proxy Providers
4. Contract Administration Related RAA Amendments”

RySG believes it would be wise to do a preliminary survey to determine the viability of staffing four separate PDPs that will run concurrently on the same broad subject area of the RAA. For all the efforts to be successful, it is critical that all stakeholder groups, constituencies, impacted advisory groups and other interested parties (e.g., law enforcement) be actively represented in each WG. It is also essential that relatively neutral leadership is available for each WG and that adequate staff support can be provided. Unfortunately, as we have seen in the past, it is likely that some individuals will want to try to serve on multiple (maybe all four) WGs, but RySG does not believe that will work because it makes it extremely difficult to schedule meetings, especially when multiple time zones are involved. If some individuals serve on more than one of the WGs, whether that be individual volunteers, staff support personnel or chairs, the options for acceptable meeting times are reduced.

RySG is also concerned about the question whether the first topic category covers too much to be done in a reasonable time period, and suggests that it might be divided into

two separate PDP's. Another approach would be to divide it into two PDPs that operate one after the other, the first covering the high priority items and the second covering the medium priority items. Our concern could be mitigated if some of the included topics are dealt with in the ongoing Registrars/Staff RAA negotiations.

RySG further suggests that, in Annex 2 (p.40 ff), the Final Issues Report should include an indication of all of the individual topics that may be dealt with in those negotiations. This should be done at least in the Summary of Proposed Amendment Topics on pages 40-41 but could also be done in the table of topics that starts on page 42. This would help the GNSO evaluate whether or not the recommended four topic categories are realistic.

The RySG appreciates the staff's analysis of the various mechanisms available to amend the RAA. As the Preliminary Issue Report states, a case by case analysis will be required to determine whether or not a particular change could become immediately binding on Registrars as "Consensus Policy." Realistically, substantive "policy" addressing any of the specified issues categories is likely to contain both elements that fall within the "picket fence" and elements that do not. To prevent erosion of the "picket fence" boundaries over time, a conscious effort should be made from the outset to articulate what "bucket" any policy element belongs in. The RySG also notes that continued vigilance is required to ensure that the other change mechanisms identified in the Preliminary Issue Report - particularly substitution of a new form of RAA and/or imposing additional requirements on registrars in connection with accreditation for new gTLDs - are not used to route around the protections embodied in the "picket fence." Accordingly, the RySG calls upon the staff to ensure that these distinctions are documented with care and precision in the course of any PDP process.

Regarding topic A-9, "Staff to draft registrar code of conduct if registrars fail to do so by certain time", it is not clear whether this is a PDP topic. If not, it probably should not be included in Category A. If staff believes it should be included in the PDP, then the rationale for doing so should be provided in the Final Issues Report. (see pages 40 and 53)

Regarding the first topic in Category C, Whois Data, "Require PCI compliance in registration process", more explanation is required. The RySG has been unable to identify payment card industry standards that relate to billing validation, including the PCI-DSS program referred to in Table A.1.b as Item 2a under registrar validation obligations. The RySG further believes that, in any event, the subject is not an appropriate subject for this proceeding, and it is out of scope as subject matter for Registrar Accreditation Agreements.

RySG Level of Support

1. Level of Support of Active Members: Supermajority

- 1.1. # of Members in Favor: 11
- 1.2. # of Members Opposed: 0
- 1.3. # of Members that Abstained: 0
- 1.4. # of Members that did not vote: 2

2. **Minority Position(s):** N/A

General RySG Information

- Total # of eligible RySG Members¹: 14
- Total # of RySG Members: 13
- Total # of Active RySG Members²: 13
- Minimum requirement for supermajority of Active Members: 9
- Minimum requirement for majority of Active Members: 7
- # of Members that participated in this process: 13
- Names of Members that participated in this process: 13
 1. Afiliás (.info, .mobi & .pro)
 2. DotAsia Organisation (.asia)
 3. DotCooperation (.coop)
 4. Employ Media (.jobs)
 5. Fundació puntCAT (.cat)
 6. ICM, Inc. (.xxx)
 7. Museum Domain Management Association – MuseDoma (.museum)
 8. NeuStar (.biz)
 9. Public Interest Registry - PIR (.org)
 10. Societe Internationale de Telecommunication Aeronautiques – SITA (.aero)
 11. Telnic (.tel)
 12. Tralliance Registry Management Company (TRMC) (.travel)
 13. VeriSign (.com, .name, & .net)
- Names & email addresses for points of contact

¹ All top-level domain sponsors or registry operators that have agreements with ICANN to provide Registry Services in support of one or more gTLDs are eligible for membership upon the “effective date” set forth in the operator’s or sponsor’s agreement (RySG Charter, Article II, RySG Membership, Sec. A). The RySG Charter can be found at http://www.gtldregistries.org/sites/gtldregistries.org/files/Charter_for_RySG_6_July_2011_FINAL.pdf

² Per the RySG Charter, Article II, RySG Membership, Sec.D: Members shall be classified as “Active” or “Inactive”. An active member must meet eligibility requirements, must be current on dues, and must be a regular participant in RySG activities. A member shall be classified as Active unless it is classified as Inactive pursuant to the provisions of this paragraph. Members become Inactive by failing to participate in three consecutively scheduled RySG meetings or voting processes or both. An Inactive member shall continue to have membership rights and duties except being counted as present or absent in the determination of a quorum. An Inactive member immediately resumes Active status at any time by participating in a RySG meeting or by voting.

- Chair: David Maher, dmaher@pir.org
- Vice Chair: Keith Drazek, kdrazek@verisign.com
- Secretariat: Cherie Stubbs, Cherstubbs@aol.com
- RySG representative for this statement: David Maher, dmaher@pir.org