

At-Large Compliance Questions for Prague Workspace

Please note that this workspace will be used to gather the At-Large's questions for the Compliance Department during the Prague Meeting.

The deadline for comments is **24 May at 23:59 UTC**. - **The Deadline has been extended until 1 June at 23:59 UTC**.

The questions below were posted by Jean-Jacques Subrenat on 10 June 2012.

Jean-Jacques Subrenat

Following on Olivier's suggestion that I review the draft, and taking into account the remarks posted on the e-mail list, I submit the following "consolidated" version. As mentioned at the last ALAC telephone conference, and commented subsequently, the impact we wish to have requires a two-pronged approach,

- *a member of ALAC ExeCom sending the text (below) to Compliance in advance of the Prague meeting, and*
- *Chair of ALAC sending a brief letter to Board Chair (and copy to CEO) expressing concern about some compliance matters, the text below being attached.*

Please note that

- *under point 1 below, last line, I am suggesting "documented inaccuracies", but perhaps Garth would prefer "obvious" or some such word?*
- *I leave it up to Garth, Cintra and other contributors, to insert where appropriate the text they have agreed upon regarding Subsections 3.7.7.2 and 3.7.8.*

In view of the next consultation between the ALAC and the Compliance Department of ICANN, scheduled in Prague on ... June 2012, prior agreement on the agenda is a requirement for its success. As many of these topics have already been discussed on several occasions, the ALAC wishes to underline its strong interest in the following agenda items, the absence of which would not warrant holding the upcoming consultation.

1. ALAC requests formal confirmation that ICANN does not have the ability to enforce RAA 3.7.8 in terms of domain deletions for WHOIS inaccuracy as stated on page 79 of The WHOIS Policy Review Team Final Report. Specifically, it is desirable to ascertain whether Compliance, or any other Department of ICANN, has the authority to hold a Registrar in breach for failing to delete a domain with inaccurate WHOIS or for failing to actually correct documented inaccuracies.
2. ALAC requests that ICANN General Counsel be in attendance to answer any questions which Compliance is not able, or does not have the authority to answer.
3. ALAC requests to be informed of the decision-making process which led to the conclusion that registrars Moniker, Core, and BizCn had failed in their obligations to properly investigate reports of (or provide evidence they investigated) WHOIS inaccuracies, in violation of RAA 3.7.8, and yet to which ICANN did not issue breach notices. Specifically, ALAC requests to be informed
 - of the level at which the decision not to issue breach notices was made (Compliance or elsewhere in ICANN?)
 - of the criteria for such a decision? (Documentation on the specifics will be provided)
4. ALAC requests engagement in a comprehensive discussion of the handling of WDPRS complaints relating to Registrars Ukrainian Names, Internet.BS, Urlsolutions, Net4India, PT Ardh, OnlineNIC and BizCn, as the results reported by Staff appear to be lacking completeness or detail. (Documentation on the specifics will be provided)
5. Any other issues.