
Enhancing ICANN Accountability – Work Stream 2 (WS2)

Recommendation 4.1.1 - Implementation Documentation

Enhancing ICANN Accountability – Work Stream 2 Final Report
<https://www.icann.org/en/system/files/files/ccwg-acct-ws2-final-24jun18-en.pdf>

See <https://www.icann.org/resources/work-stream-2-implementation-en> for more information on Work Stream 2 implementation.

WS2 - Jurisdiction - Recommendation 4.1.1

Recommendation 4.1.1: 4.1 Recommendations Relating to OFAC Sanctions and Related Sanctions Issues

The Subgroup considered issues relating to government sanctions, particularly U.S. government sanctions administered by the Office of Foreign Asset Control (OFAC). OFAC is an office of the U.S. Treasury that administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals

4.1.1 ICANN Terms and Conditions for Registrar Accreditation Application Relating to OFAC Licenses

For ICANN to enter into a Registration Accreditation Agreement (RAA) with an applicant from a sanctioned country, it will need an OFAC license. Currently, “ICANN is under no obligation to seek such licenses and, in any given case, OFAC could decide not to issue a requested license.” This uncertainty could discourage residents of sanctioned countries from applying for accreditation. The sub-group recommends that the above sentence should be amended to require ICANN to apply for and use best efforts to secure an OFAC license if the other party is otherwise qualified to be a registrar (and is not individually subject to sanctions). During the licensing process, ICANN should be helpful and transparent with regard to the licensing process and ICANN’s efforts, including ongoing communication with the potential registrar.

Final Implementation Report

The Registrar Accreditation Agreement (RAA) was amended in February 2022 to adjust the language around obtaining OFAC licenses.

- The Registrar Accreditation Application, that can be found under “application form” docx linked off of the following page - <https://www.icann.org/resources/pages/raa-application-2021-04-12-en> - was edited to satisfy the requirements. The adjustments to the language can be found on page 30 of the application;
 - The language removed was “ However, the applicant acknowledges that ICANN is under no obligations to seek such licenses and, in any given case, OFAC could decide not to issue a requested license.”
 - The language added is “ICANN commits to seek such licenses, however the applicant acknowledges that in any given case, OFAC could decide not to issue a requested license.”
- In addition to the added language, ICANN continues to communicate with the applicant to confirm when an OFAC license is acquired in addition to communicating if one is not achieved.

Rationale

Adding the language adjustment to the RAA application was a transparent way to satisfy the recommendation.

Timeline

Expected implementation date: February 2022

Final implementation date: February 2022

Milestones

Updates made to satisfy the recommendation - February 2022