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AT-LARGE ADVISORY COMMITTEE

ALAC Statement on the Fake Renewal Notices Report

Introduction

By the Staff of ICANN

Alan Greenberg, ALAC Liaison to the GNSO and At-Large member from the North American Regional At-Large Organization (NARALO) originally composed this Statement after discussion of the topic on the mailing lists.

On 2 April 2012, a draft of the Statement was posted on the *ALAC Statement on the Fake Renewal Notices Report Workspace*. On that same day, Olivier Crépin-Leblond, Chair of the ALAC, requested At-Large Staff to send a Call for Comments on the draft Statement to all At-Large members via the ALAC-Announce Mailing List.

On 15 April 2012, the Chair of the ALAC requested that Staff open a five-day ALAC ratification vote on the Statement.

On 20 April 2012, At-Large Staff confirmed that the online vote resulted in the ALAC endorsing the Statement with 13 votes in favor, 0 votes against, and 0 abstentions. You may review the result independently under: <https://www.bigpulse.com/pollresults?code=23537d72tdGLkypQWD8xgie6>.

[End of Introduction]

The original version of this document is the English text available at <http://www.atlarge.icann.org/correspondence>. Where a difference of interpretation exists or is perceived to exist between a non-English edition of this document and the original text, the original shall prevail.

ALAC Statement on the Fake Renewal Notices Report

The ALAC supports immediate action being taken on this issue. The problem has been around for a long time, it has been much discussed, but until this report, no action has been taken.

This problem, although relatively minor compared to some that ICANN and the GNSO must consider, is symbolic of ICANN's perceived inability to ensure a safe and trusted Domain Name space. Virtually all parties have agreed the Fake Renewal Notice issue is bad, yet we have been unable, or unwilling to take any sort of action to stop it.

ICANN and the GNSO should take this token issue and use it to demonstrate that it can indeed enact change swiftly when it is warranted.

With respect to the potential next steps identified in the Drafting Team (DT) Report:

1. Add a section to the RAA that addresses Business Practices

The ALAC rejects this alternative on two grounds:

- It would not take effect for up to five years
- Given the pressure to complete the current round of RAA discussions, it is unlikely that this issue could be included and addressed without delaying the current process – a result that many would consider totally unacceptable.

2. Add the issue to the current or one of the upcoming IRTP PDPs

The ALAC would consider it acceptable to add this issue to the current IRTP C PDP, but questions whether this is possible given that it was not included in the Issue Report leading to this PDP.

Adding this issue to the next IRTP D PDP is certainly possible, but the delay before even starting would be considerable. IRTP C is currently scheduled to report to the GNSO Council in October 2012. Even assuming no delays, given the lengthy process associated with GNSO approval and then starting the next IRTP PDP, the new one *might* optimistically start early in 2013.

3. Add the issue to the upcoming RAA PDP

Again, this is possible, but it would be one small item in a large and potentially complicated PDP. It is impossible to estimate how long that PDP would take, again delaying this issue indeterminably.

4. Refer the issue to the ALAC to encourage better education and awareness

The ALAC is neither funded nor staffed to undertake such a project. Although At-Large is certainly willing to take the issue and widely disseminate such warnings, any more active action is not possible, and in any case would not likely have the penetration to be even partially successful.

5. Raise the issue with the Federal Trade Commission in the US

Although this may well address an issue with a particular Registrar as long as they are located in the US, it does not seem to be a very robust solution to the problem.

Alternative Approach

The ALAC does offer one other alternative that it believes should be carefully considered. Alternative 1, the DT's preferred approach, is to draft a clause, perhaps patterned after RAA 3.7.3. In fact the DT even goes so far as to try a first draft of the needed clause. The ALAC suggests a dedicated PDP for the Fake Renewal Notice Issue. Although the concept of a PDP seems onerous, if the possible solution is anywhere near as simple as the DT suggests in their preferred solution, such a PDP would require a very minimal amount of work. It would admittedly take about nine months, the minimum estimated elapsed time for the complete PDP process, but the actual staff and volunteer effort would be minimal.

By taking such action, the GNSO would demonstrate that it CAN act quickly when required and the situation allows it. Demonstrating that it is not bound by rules that always take several years to set formal any, even minimal, Consensus Policy would send a VERY good and important message to the community.