Process for Reporting RAA Negotiations

Background
On 28 October 2011, the ICANN Board of Directors directed staff to begin negotiations with representatives of the Registrar Stakeholder Group (RSG) to arrive at a set of proposed amendments to the Registrar Accreditation Agreement (RAA) that will enhance registrant protection and DNS stability.

An initial list of amendment topics that have either been proposed by the GNSO, law enforcement representatives and community members or suggested for consideration by one of the contracted parties (ICANN and registrars) has been compiled.

The negotiation sessions between registrars and ICANN are intended to work through the list of the proposed amendment topics with registrars. Perhaps this can be done in two stages: first, each amendment topic could be discussed and considered for potential inclusion in the first amended RAA. Then those topics that are identified as potential candidates for amendments to the RAA will then be drafted as proposed amendment language for further negotiation and publication for discussion in the Costa Rica meeting. Those not selected can be pended for later discussion.

To promote transparency and timely communications, ICANN and Registrar Stakeholder Group representatives have agreed to a process for publishing regular status updates and providing comment opportunities related to these negotiations, as described in this document.

Communication Plan

Negotiation
ICANN and registrars will conduct negotiations related to the proposed RAA amendment topics through in-person meetings and via telephone conference calls. The goal of these sessions is to reach agreement on each of the proposed amendment topics, and where agreement cannot be reached, rationale will be developed – either jointly of the reasoning of each side separately.

Content of Communications
ICANN will display each proposed amendment topic as it comes up for negotiation. The pages will each include:
-   the title of the proposed amendment as it is discussed;
-   the status (or state) of the proposed amendment (e.g., "in queue for discussion," "under discussion," "amendment language drafted, " "deferred or excluded from further discussion", or "draft language in place");
-   broad statement of issues and additional considerations raised during the discussion;
-   if there is agreement: specific RAA amendment language under consideration;

- comments (if any) provided by the registrar negotiation team; and

- rationale for decisions taken, issued either jointly by both sides or separately.

Timing of Communications
Following each negotiation meeting with registrars (whether by telephone or in-person), ICANN will draft updated content and provide a copy of the drafts to the registrar representatives within two business days. The registrar team will be provided two business days to offer proposed changes to the text and any comments they wish added to the "registrar comments" section. ICANN will consider adopting the other proposed changes within its sole discretion and, in any case, add the registrar comments to exactly as provided. Registrar representatives may also add, delete, and update their comments.

When practical, public comments received will be discussed and considered at the start of the next negotiation meeting, but comments may be addressed at a later time or date, provided that all comments received will be considered by the joint negotiating team before a final set of proposed amendments is presented to the ICANN Board. Comments posted may prove very helpful to both ICANN and registrars in their negotiations, but there will be at least one additional, traditional public comment period provided before the proposed amendments are presented to the ICANN Board for adoption.

Role of Public Comment
ICANN recognizes that the community has an interest in the outcome of its negotiations with registrars. There is a responsibility to keep the community informed of the progress of the negotiation and provide a channel for stakeholders for public comment. To this end, regular status updates will be published and a channel for public comment will be available. Comment received will be made available as it is received to all members of the joint negotiating team for consideration. Where appropriate, registrars and ICANN may respond to comments.