

Topic	LE /GAC position	Registrar Position	Agreement in Principle
1. Privacy and Proxy services	In the event ICANN establishes an accreditation program for proxy or privacy registration services, Registrar will accept proxy/privacy domain name registrations ONLY from ICANN accredited Proxy Registration Services. Registrar shall cooperate with ICANN to establish an ICANN accreditation program for proxy or privacy registrations.	The Registrar NT believes that the obligation to escrow proxy/privacy service registrant data would be best accomplished through an accreditation program for such services. ICANN would be in the best position to establish and manage such an accreditation program and would comply with such a program.	YES
2. Prohibition of Certain Illegal, Criminal or Malicious Conduct	Registrar shall not engage in activities or conduct that results in: (i) a conviction by a court of competent jurisdiction of a felony or other serious offense related to financial activities; (ii) a judgment by a court of competent jurisdiction that Registrar has committed fraud or breach of fiduciary duty; (iii) the Registrar being the subject of a judicial determination that is the substantive equivalent of those offenses (i)---(ii); or (iv) the Registrar knowingly and/or through gross negligence, permitting criminal activity in the registration of domain names or in the provision of domain name WHOIS information, after failing to promptly cure such activity after notice thereof.	(i---iii) are covered as they are already in the termination section of the agreement. (iv) Registrars are looking for more specific language in RAA. Want criminal activity to be defined and be determined by a violation of applicable national law or governmental regulation relating to cybersquatting or its equivalent.	YES
3. Valid Physical Address to be	Registrar must provide a valid physical address for	Much of this information is already	YES

published	legal service, including a valid street address, city, and region, as well as a valid telephone number and fax number to ICANN.	required as part of an application for accreditation. Agreement in principle to use an appendix requiring update and posting requirements for corporate, contact, and affiliation information responsive to LEA requests	
4. Valid Officer Data to be Published	Registrars must publicly display of the name of CEO, President, and/or other responsible officer(s).	Same as #3	YES
5. Disclosure of Registrars owned by Affiliates	Registrars with multiple accreditations must disclose and publicly display on their website parent ownership or corporate relationship, i.e., identify controlling interests	Registrars do not have an issue with disclosing this information to ICANN, but to publicly display raises competition issues. Registrars do not see the need to publicly display if the information is already available to ICANN and could be accessed by Law Enforcement	YES
6. Notice to ICANN of Certain Changes	Registrar will notify ICANN immediately of the following: a. Any and all changes to a Registrar's location(s), office(s); b. Changes to presiding officer(s); c. Change in controlling ownership; d. Any criminal convictions, and any civil convictions causal or related to criminal activity. Registrar will concurrently update their website upon notifying ICANN of (a) –(c) above.	Same as # 3	YES

<p>7. Maintenance of Business Licenses.</p>	<p>Registrar should be legal entity within the country of operation, and should provide ICANN with official certification of business registration or license.</p>	<p>Same as #3</p>	<p>YES</p>
<p>8. Resellers must be held completely accountable to ALL provisions of the RAA.</p>	<p>Registrars must contractually obligate all its Resellers to comply and enforce all RAA provisions. The Registrar will be held directly liable for any breach of the RAA a Reseller commits in which the Registrar does not remediate immediately. All Registrar resellers and third--party beneficiaries should be listed and reported to ICANN who shall maintain accurate and updated records.</p>	<p>The Registrar NT proposed to address the “reseller” issue by affirmatively embracing the notion that an ICANN accredited registrar is responsible for taking steps to ensure that all sponsored registrations are undertaken in compliance with the requirements of the RAA</p>	<p>YES</p>
<p>9. Data Retention</p>	<p>Registrars and all associated third--party beneficiaries to Registrars are required to collect and securely maintain the following data</p>	<p><u>Retention Period.</u> Consistent with fair information practice principles and the laws of many countries, the registrar proposal establishes two different retention periods: (i) the life of the registration plus two years, or (ii) a minimum of six months. The nature of the data determines the applicable retention period.</p> <p><u>Retention Detail</u> ICANN’s language requires registrars to collect and maintain highly detailed and</p>	<p>YES / NO</p> <p><i>There is agreement in principle to collect and store data, but not ALL of the types of data and, with respect to SOME of the data, not the length of time to store</i></p>

		<p>sensitive payment information, including the name of the financial institution, bank routing number, any and all account numbers and associated expiration dates, security codes, and addressing information</p> <p><u>Scope</u> The ICANN language imposes collection and retention requirements on services that fall outside of the RAA</p>	
10. Whois Validation	Validation of Whois data upon receipt from registrant	<p>The Registrar NT proposal would permit registrations and address resolution to proceed, subject to verification within a short period following registration. Further enhancements consistent with community input and impact assessment</p> <p>ICANN proposal requires telephone number verification in addition to email verification, again prior to resolution of domain name</p>	<p>YES / NO</p> <p><i>There is agreement to verify whois data but not when it should be and which fields</i></p>
11. Abuse point of contact	Registrar creation of an abuse point of contact, and provision of a well-defined, auditable way to track	Language is still being refined to address issues relating to jurisdiction and	YES

	complaints.	authentication of law enforcement.	
12. Port 43 Whois SLA	ICANN should require Registrars to have a Service Level Agreement for their Port 43 servers.	The Registrar NT has requested that the requirement to operate registrar-provided WHOIS servers be limited to "thin" registries (i.e., .com and .net). Thick registries already provide centralized public access to WHOIS data, and all new gTLDs are required to be "thick." And have stringent SLA's in their Registry agreements	YES