

Report of Negotiation Session on the Registrar Accreditation Agreement (20 Sept 2012)

Location: Embassy Suites, Convention Center, Washington, D.C.

Attendees:

Registrars:

In Person: Becky Burr, Matt Serlin (MarkMonitor), Jeff Eckhaus (Enom), and James Bladel (GoDaddy)

Remote: Volker Greimann (Key Systems)

ICANN:

In Person: Steve Crocker (Chair, ICANN Board of Directors), Samantha Eisner, Dan Halloran, John Jeffrey, Margie Milam, Kurt Pritz, Mike Zupke, Kevin Espinola (Jones Day) and Craig Johnson (Jones Day)

Issues Discussed:

- **Technical Specifications:** Steve Crocker briefly joined the meeting to provide the context and background in support of ICANN's request to inclusion of minimal obligations to support DNSSEC and IPv6. Dr. Crocker pointed out the increased adoption rates for DNSSEC in certain ccTLDs, and the general lack of adoption of DNSSEC in gTLDs. Registrars noted the difficulties faced when attempting to convince registrants to purchase DNSSEC. After reviewing background materials provided by ICANN with regard to DNSSEC and IPv6 adoption, the Registrars seemed receptive to ICANN's request.
- **Data Retention Specification:** The participants explored the Registrar NT proposal to replace "Except to the extent prohibited by applicable law" with "to the extent permitted by applicable law." It was agreed that one way to deal with this topic was to examine and modify the current the WHOIS Conflict of Law Procedure so that it could also address data retention issues. This Procedure should also be reviewed to update the circumstances in which it is to be triggered.
- **Additional information from Registrars on WHOIS Phone Verification:** The Registrar NT reported on input received overnight from Registrars with regard to the phone verification request. This request raises concerns regarding the digital divide, cost factors with phone verification, worries about spam; language support issues. Registrars continue to support the EMAIL OR PHONE verification model, and are unwilling to commit to verify both EMAIL AND PHONE.
- **Events Triggering WHOIS Re-verification:** The participants discussed the circumstances under which re-verification could be triggered, including, transfer, change of previously verified fields, WDRP notice failure, and renewals. Questions arose about how such obligations might affect existing policies such as PEDNR. The participants discussed

whether the suspension required upon failure of re-verification might have unintended consequences, such as adversely affecting legitimate registrants with correct WHOIS information if they fail to respond to a re-verification request in a timely manner. ICANN is seeking information from Registrars on what would be an appropriate length of time before re-verification is required.

- **Discussion of the Registrar Consensus Policy Specification Proposal:** The participants explored the differences between the definitions of “consensus policies” in the RAA and in the Registry Agreements, and whether to standardize this language. ICANN pointed out to the differences in operations between registrars and registries, noting that some of the differences relate to registrars having contracts with registrants. ICANN agreed to review the Registrar proposal to respond to the Registrar concerns that the entire RAA could be subject to consensus policy development.
- **Universal Adoption of the RAA:** The Registrar NT noted the importance of resolving the issue of universal adoption of the RAA, so as to not put those registrars who are early adopters of the new RAA at a potential disadvantage to those remaining on the current RAA. ICANN agreed to explore different incentives for encouraging simultaneous adoption of the new RAA.
- **Process for Posting Community Updates:** The participants discussed the upcoming document posting deadline for Toronto and the process by which the update to the community would be drafted & circulated for review & comment.