

RAP WG Recommendations Survey Results – Updated 8 February 2010

1. Name & Affiliation

#	Response
1	Greg Aaron, RySG
2	Mike Rodenbaugh, Business Constituency
3	Martin, CBUC
4	Berry Cobb, CBUC
5	Caleb Queern, Cyveillance
6	Jeff Neuman, Neustar, Inc. (RySG)
7	Mikey O'Connor, CBUC
8	Michael Young, Afiliis
9	Nacho Amadoz, puntCAT (RySG)
10	Rod Rasmussen
11	Frederick Felman, MarkMonitor
12	Faisal Shah, MarkMonitor
13	James Bladel, GoDaddy.com (GNSO / Contracted / Registrar Stakeholder Group)

Abuse Definition

3. Abuse is an action that: a) Causes actual and substantial harm, or is a material predicate of such harm, and b) Is illegal or illegitimate, or is otherwise considered contrary to the intention and design of a stated legitimate purpose, if such purpose is disclosed.			
I agree with the definition		12	92%
I generally agree with the definition, but I propose a friendly amendment (please provide suggested text below)	James	1	8%

I disagree with the recommendation and present an alternate view (please provide suggested text below)		0	0%
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Cybersquatting

6. Recommendation 1 The RAPWG recommends the initiation of a Policy Development Process by requesting an Issues Report to investigate the current state of the UDRP, and consider revisions to address cybersquatting if appropriate. This effort should consider: How the UDRP has addressed the problem of cybersquatting to date, and any insufficiencies/inequalities associated with the process. Whether the definition of cybersquatting inherent within the existing UDRP language needs to be reviewed or updated.			
I agree with the recommendation		13	100%
I generally agree with the recommendation, but propose a friendly amendment (please provide suggested text box)		0	0%
I disagree with the recommendation and propose an alternate view (please provide suggested text below)		0	0%
Total		13	100%

9. Recommendation 2 View A: The RAPWG recommends the initiation of a Policy Development Process by requesting an Issues Report to investigate the appropriateness and effectiveness of how any Rights Protection Mechanisms that are developed elsewhere in the community (e.g. the New new gTLD program) can be applied to the problem of cybersquatting. View B: The initiation of such a process is premature; the effectiveness and consequences of the Rights Protection Mechanisms proposed for the new TLDs is unknown. Discussion of RPMs should continue via the New TLD program. Experience with them should be gained before considering their appropriate relation (if any) to the existing TLD space.			
I agree with view A	Mike R., Martin, Berry, Caleb, Rod, Fredrick, Faisal	7	54%
I agree with view B	Greg, Jeff, Mikey, Michael, Nacho, James	6	46%
I generally agree with view A, but propose a friendly amendment (please provide suggested text box)		0	0%

I generally agree with view B, but propose a friendly amendment (please provide suggested text box)		0	0%
I disagree with the recommendations and propose an alternate view (please provide suggested text below)		0	0%
Total		13	100%

Frontrunning

12. Recommendation 1 It is unclear to what extent front-running happens, and the RAPWG does not recommend policy development at this time. The RAPWG suggests that the Council monitor the issue and consider next steps if conditions warrant.			
I agree with the recommendation		13	100%
I generally agree with the recommendation, but propose a friendly amendment (please provide suggested text box)		0	0%
I disagree with the recommendation and propose an alternate view (please provide suggested text below)		0	0%
Total		13	100%

Gripe Sites; Deceptive, and/or Offensive Domain Names

15. Recommendation 1 View A: The UDRP should be revisited to determine what substantive policy changes, if any, would be necessary to address any inconsistencies relating to decisions on “gripe” names and to provide for fast track substantive and procedural mechanisms in the event of the registration of deceptive domain names that mislead adults or children to objectionable sites. View B: Make no recommendation. There should not be a policy process to examine the UDRP for carve-outs or exceptions for “gripe” sites, or for fast track substantive and procedural mechanisms to address the registration of deceptive domain names that mislead adults or children to objectionable sites. Gripe site and offensive domain names that use trademarks are adequately addressed in the context of cybersquatting and the UDRP for purposes of establishing consistent registration abuse policies in this area. Creating special procedures for special classes of domains may present problems.			
I agree with view A	Berry, Frederick, Faisal	3	23%

I agree with view B	Greg, Martin, Caleb, Jeff, Mikey, Michael, Nacho, Rod	8	62%
I generally agree with view A, but propose a friendly amendment (please provide suggested text box)		0	0%
I generally agree with view B, but propose a friendly amendment (please provide suggested text box)	Mike R., James	2	15%
I disagree with both views and propose an alternate view (please provide suggested text below)		0	0%
Total		13	100%

16. Friendly amendment

#	Response
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1	Caveat, that new TLD policy implementations, such as URS, may be applied to existing TLDs (per previous Recommendation) and thus address the concern about offensive domain names. (Mike R.)
2	View B could also include some language that additional mechanisms could themselves be abused to curtail Freedom of Speech. (James)

18. View A: Registries should consider developing internal best practice policies that would restrict the registration of offensive strings in order to mitigate the potential harm to consumers and children. View B: ICANN is not a good forum to make recommendations regarding moral standards. "Potential harm to consumers" is a vague standard. The recommendation is problematic for global TLDs, and it was a matter closed in .COM/.NET/.ORG many years ago.

I agree with view A	Martin, Rod, Frederick, Faisal	4	31%
I agree with view B	Greg, Berry, Caleb, Jeff, Mikey, Michael, Nacho, James	8	62%
I generally agree with view A, but propose a friendly amendment (please provide suggested text box)	Mike R.	1	8%
I generally agree with view B, but propose a friendly amendment (please provide suggested text box)		0	0%
I disagree with both views and propose an alternate view (please provide suggested text below)		0	0%
Total		13	100%

19. Friendly amendment

#	Response		
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1	Best practices are not enough, though they are better than nothing. Other recommendations -- for mandatory policy -- are likely to better address the concern of offensive strings. (Mike R.)		
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Fake Renewal Notices

21. Recommendation 1 The RAPWG recommends the initiation of a Policy Development Process by requesting an Issues Report to investigate fake renewal notices.			
I agree with the recommendation		12	92%
I generally agree with the recommendation, but propose a friendly amendment (please provide suggested text box)		0	0%
I disagree with the recommendation and propose an alternate view (please provide suggested text below)	James	1	8%
Total		13	100%

23. Alternate View			
#	Response		
1	Alternate view Before undertaking any new policy development work, this issue should first be referred to ICANN Compliance to investigate the problem and determine if it is within their scope. (James Bladel)		

24. Recommendation 2 The RAPWG recommends that the GNSO refer this issue to ICANN's Contractual Compliance department for possible enforcement action.			
I agree with the recommendation		11	92%

I generally agree with the recommendation, but propose a friendly amendment (please provide suggested text box)		0	0%
I disagree with the recommendation and propose an alternate view (please provide suggested text below)	Mike R.	1	8%
Total (no vote from Faisal)		12	100%

25. Friendly amendment

#	Response
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1 There does not seem to be any policy that Compliance could enforce. (Mike R.)

Domain Kiting / Tasting

27. Recommendation 1 The RAPWG does not recommend policy development at this time. The RAPWG suggests that the Council monitor the issue (in conjunction with ongoing reviews of domain-tasting) and consider next steps if conditions warrant.			
I agree with the recommendation		12	92%
I generally agree with the recommendation, but propose a friendly amendment (please provide suggested text box)	Faisal	1	8%
I disagree with the recommendation and propose an alternate view (please provide suggested text below)		0	0%
Total		13	100%

28. Friendly amendment

#	Response
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1 This should track the same recommendations in the front running (Faisal)

Malicious Use of Domain Names

30. Recommendation 1 The RAPWG recommends the creation of non-binding best practices to help registrars and registries address the illicit use of domain names. This effort should be supported by ICANN resources, and should be created via a community process such as a working or advisory group while also taking the need for security and trust into consideration. The effort should consider (but not be limited to) these subjects: Practices for identifying stolen credentials Practices for identifying and investigating common forms of malicious use (such as malware and phishing) Creating anti-abuse terms of service for inclusion in Registrar-Registrant agreements, and for use by TLD operators. Identifying compromised/hacked domains versus domain registered by abusers Practices for suspending domain names Account access security management Security resources of use or interest to registrars and registries Survey registrars and registries to determine practices being used, and their adoption rates.

I agree with the recommendation		11	85%
I generally agree with the recommendation, but propose a friendly amendment (please provide suggested text box)	Mike R., James	2	15%
I disagree with the recommendation and propose an alternate view (please provide suggested text below)		0	0%
Total		13	100%

31. Friendly amendment

#	Response
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|---|---|
| 1 | The effort should also consider mandatory minimum practices applicable to contracting parties, in addition to best practices. (Mike R.) |
| 2 | ICANN's role should be extremely limited in this area, and only serve to facilitate the discussion amongst affected parties. (James) |

Whois Access

33. Recommendation 1 The GNSO should determine what additional research and processes may be needed to ensure that WHOIS data is accessible in an appropriately reliable, enforceable, and consistent fashion. The GNSO Council should consider how such might be related to other WHOIS efforts, such as the upcoming review of WHOIS policy and implementation required by ICANN's new Affirmation of Commitments. The Affirmation of Commitments says: "ICANN additionally commits to enforcing its existing policy relating to WHOIS, subject to applicable laws. Such existing policy requires that ICANN implement measures to maintain timely, unrestricted and public access to accurate and complete WHOIS information, including registrant, technical, billing, and administrative contact information. One year from the effective date of this document [30 September 2009] and then no less frequently than every three years thereafter, ICANN will organize a review of WHOIS policy and its implementation

to assess the extent to which WHOIS policy is effective and its implementation meets the legitimate needs of law enforcement and promotes consumer trust.”

I agree with the recommendation		12	92%
I generally agree with the recommendation, but propose a friendly amendment (please provide suggested text box)	James	1	8%
I disagree with the recommendation and propose an alternate view (please provide suggested text below)		0	0%
Total		13	100%

36. Recommendation 2 The GNSO should request that the ICANN Compliance Department publish more data about WHOIS accessibility, on at least an annual basis. This data should include a) the number of registrars that show a pattern of unreasonable restriction of access to their port 43 WHOIS servers, and b) the result of an annual compliance audit with all contractual WHOIS access obligations.

I agree with the recommendation		13	100%
I generally agree with the recommendation, but propose a friendly amendment (please provide suggested text box)		0	0%
I disagree with the recommendation and propose an alternate view (please provide suggested text below)		0	0%
Total		13	100%

Uniformity of Contracts

39. Recommendation 1 View A: The RAPWG recommends the creation of an Issues Report to evaluate whether a minimum baseline of registration abuse provisions should be created for all in-scope ICANN agreements, and if created, how such language would be structured to address the most common forms of registration abuse. View B: Oppose the recommendation for an Issues Report, for the following reasons: All registries, registrars, and registrants are already contractually obligated to abide by ICANN policies, notably Consensus Policies. The Consensus Policy process is a mechanism specifically designed to create uniformity where it is needed. Consensus Policies or contractual provisions should be created to solve specific problems,

after the abuse’s scope and impact are understood. General and/or pre-emptive policies may create collateral damage and harm registrants or other parties in unexpected fashions. Uniformity for the sake of uniformity is not a solution to any identified problem. The supporters of an Issues Report did not identify why “a minimum baseline of registration abuse provisions” is needed, or whether such might better curtail or address any problem. It is unclear what purpose might be served by continuing down that proposed path. It may not be desirable or possible to create a baseline applicable to diverse entities. Some amount of non-uniformity is necessary. Contracted parties should also have some rights to create their own policies as long as they do not conflict with ICANN policies.

I agree with view A	Mike R., Martin, Berry, Caleb, Mikey, Rod, Frederick, Faisal	8	62%
I agree with view B	Greg, Jeff, Michael, Nacho, James	5	38%
I generally agree with view A, but propose a friendly amendment (please provide suggested text box)		0	0%
I generally agree with view B, but propose a friendly amendment (please provide suggested text box)		0	0%
I disagree with both views and propose an alternate view (please provide suggested text below)		0	0%
Total		13	100%

Meta Issues

42. Recommendation 1 - Uniformity of Reporting The RAPWG recommends that the GNSO, and the larger ICANN community in general, create and support uniform reporting processes.			
I agree with the recommendation		13	100%
I generally agree with the recommendation, but propose a friendly amendment (please provide suggested text box)		0	0%
I disagree with the recommendation and propose an alternate view (please provide suggested text below)		0	0%

Total		13	100%
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45. Recommendation 2 - Collection and Dissemination of Best Practices The RAPWG recommends that the GNSO, and the larger ICANN community in general, create and support structured, funded mechanisms for the collection and maintenance of best practices.			
I agree with the recommendation		11	85%
I generally agree with the recommendation, but propose a friendly amendment (please provide suggested text box)	Frederick, James	2	15%
I disagree with the recommendation and propose an alternate view (please provide suggested text below)		0	0%
Total		13	100%

46. Friendly amendment

#	Response
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1	Especially with respect to security best practices. (Frederick)
2	Generally agree, but ICANN must be seen as a cooperative Peer Organization with other groups such as the APWG and RISG. ICANN has no remit in this area, but can serve to facilitate the dialogue. (James)