Negotiations Between ICANN and Registrars to Amend the Registrar Accreditation Agreement Concluded

ICANN-accredited registrars and ICANN commenced a series of direct bilateral negotiations to amend and update the current Registrar Accreditation Agreement (RAA) in November, 2011. ICANN and the registrar negotiation teams have concluded their negotiations. The ICANN Board of Directors approved the new 2013 RAA on 27 June 2013.

Negotiation Goals/Objectives

During the ICANN Dakar Meeting, ICANN and the Registrar Stakeholder Group announced their agreement to commence negotiations on possible amendments to the RAA to address recommendations made by law enforcement agencies and the GNSO, provide increased protections for registrants, to enhance security generally, and to increase predictability for all stakeholders.

At its meeting in Dakar, the ICANN Board directed these negotiations to commence immediately, with the goal of reaching agreement on amendments that are "in the global public interest with the twin goals of registrant protection and stability..." for consideration by the ICANN Board at the Costa Rica Meeting.

ICANN and the Registrars have agreed to discuss the following topics in these negotiations:

- The law enforcement RAA recommendations, including as formulated by law enforcement in its proposed code of conduct;
- The "High Priority" recommendations from the joint GNSO/ALAC RAA Drafting Team's Final Report (see Final Report);
- To the extent time permits, the "Medium Priority" recommendations from the joint GNSO/ALAC RAA Drafting Team's Final Report;
- Other topics that would advance the goals of registrant protection, DNS stability, and increased predictability for all stakeholders.

Background

In 2009, the GNSO Council embarked on a collaborative process with the At Large Advisory Committee regarding the RAA. As part of this process, a joint GNSO/ALAC drafting team was formed (known as the RAA Drafting Team or, "RAA DT") to consider various proposals for improvements to the RAA. The RAA DT reviewed proposals from the law enforcement community, the Intellectual Property Constituency, as well as other stakeholders. The RAA DT published a Final Report on 18 October, 2010, that identified potential topics to be addressed in an amended RAA. The RAA DT also propose several next steps for the GNSO Council to consider in determining whether to recommend a new form of RAA.

Prior to Dakar, Staff published a Discussion Paper on the Next Steps for the RAA that recommended the immediate commencement of bilateral negotiations with the Registrars. At Dakar, law enforcement representatives and other stakeholders debated the need for additional amendments to the RAA.

In Dakar, the ICANN Board adopted a resolution (2011.10.28.31) <http://www.icann.org/en/minutes/resolutions-28oct11-en.htm#7> acknowledging that the effort to evolve the RAA is an important element in a program to protect registrants and safeguard the stability of a single interoperable Internet. The resolution called for immediate negotiations and called on the negotiating teams to publish proposed amendments for consideration at ICANN's meeting in Costa Rica in March 2012. The Board resolution called on the negotiating teams to address of law enforcement and GNSO working group recommendations as well as other topics that would advance the twin goals of registrant protection and DNS stability. The ICANN Board also directed Staff to prepare an Issues Report with respect to any remaining items suited for a PDP.

The Registrars Stakeholder Group and ICANN announced in Dakar the immediate commencement of negotiations on the RAA.

Update:

ICANN published the Proposed Final 2013 Registrar Accreditation Agreement for public comment at:

http://www.icann.org/en/news/announcements/announcement-22apr13-en.htm

For a detailed overview of the improvements to the Proposed Final 2013 RAA, please listen to the webinar recording or view the slides from the webinar conducted by ICANN Staff on April 30th.

ICANN and the Registrar Negotiating Team commenced negotiation on amendments to the RAA in October 2011. Since the 7 March 2013 version was posted, ICANN and the Registrars (through the Registrar Negotiating Team) continued to reach agreement on the proposed text of the 2013 RAA, which was posted for community comment on April 22, 2013. These include:

- ICANN's Posting Memorandum
- Proposed Final 2013 RAA
- Redline against the 7 May 13 posting
- Redline against the 2009 RAA
- Summary of Changes from the 2009 RAA

The Proposed Specifications and Addendums:

Consensus and Temporary Policy Specification [PDF, 90 KB]	Redline Showing Changes from June 2012 Posting [PDF, 145 KB]
	Redline Showing Changes from March 2013 Posting [PDF, 161 KB]
Data Retention Specification [PDF, 77 KB]	Redline Showing Changes from June 2012 Posting [PDF, 113 KB]
	Redline Showing Changes from March 2013 Posting [PDF, 120 KB]
Whois Accuracy Program Specification [PDF, 86 KB]	Redline Showing Changes from June 2012 Posting [PDF, 121 KB]

	Redline Showing Changes from March 2013 Posting [PDF, 115 KB]
Whois SLA [PDF, 93 KB]	Redline Showing Changes from March 2013 Posting [PDF, 169 KB]
Specification on Proxy/Privacy Services [PDF, 43 KB] *Corrected version posted on 24 April 2013*	Redline Showing Changes from March 2013 Posting [PDF, 127 KB] *Corrected version posted on 24 April 2013*
Registrant Rights and Responsibilities Specification [PDF, 50 KB]	*No changes since March 2013 posting*
Additional Registrar Operation Specification [PDF, 73 KB]	*No changes since March 2013 posting*
Registrar Information Specification [PDF, 64 KB]	Redline Showing Changes from March 2013 Posting [PDF, 128 KB]
Compliance Certificate [PDF, 55 KB]	Redline Showing Changes from March 2013 Posting [PDF, 92 KB]
Transition Addendum [PDF, 61 KB]	Redline Showing Changes from March 2013 Posting [PDF, 105 KB]

Section IV: Additional Information:
A Report of the Public Comments submitted in response to the 7 March 2013 posting of the RAA is available here [PDF, 178 KB].

Documents related to the revisions of the WHOIS Bulk Access provisions (Section 3.3.6 of the RAA):

- Letter to Kurt Pritz from Demand Media 6 May 2011
- Letter to Kurt Prtiz from Network Solutions, 23 January 2010
- Summary of Economic Analysis performed by Joshua Wright, Professor, George Mason University School of Law and Department of Economics

Documents related to the GNSO policy development process (PDP) to commence on the "remaining issues" left unresolved at the conclusion of the negotiations:

- Report on Conclusion of the RAA Negotiations

Archive

Archive of Documents Related to the Beijing Meeting:

In advance of the Beijing Meeting, on ICANN posted a group of documents on the status of negotiation of amendments to the Registrar Accreditation Agreement (RAA). These include:

- Public Comment Announcement for Draft RAA
- ICANN's Posting Memorandum
- Registrar Stakeholder Group Statement
- Proposed 2013 RAA
- Redline from 2009 RAA
- Redline from the June 2012 Posting

More information iis available by reviewing the archives of the Beijing Session.

Archive of Documents Related to the Toronto Meeting:

In advance of the Toronto Meeting, on 24 September 2012, ICANN posted a group of documents on the status of negotiation of amendments to the Registrar Accreditation Agreement (RAA). These include:

- RAA Toronto Update Memorandum
- RAA Toronto Summary Chart

More information is available by reviewing the Transcript and recording of the Toronto Update on the RAA Session.

Archive of Documents Posted Prior to the Prague Meeting:

- Correspondence delivered from the Registrar Stakeholder Group on the status of the negotiations
- Law enforcement representatives produced updates to their recommendations with respect to two issues:
  - Data maintenance
  - WHOIS Validation
- Documents published with the 4 June 2012 announcement in advance of the ICANN Prague Meeting:
  - RAA Negotiations Summary
  - Draft RAA
  - Summary Chart
  - Summary of Changes to the 2009 RAA
  - WHOIS Specification

    - WHOIS Accuracy Specification Program
    - Data Retention Specification
    - Additional Registrar Operation Specification
    - Consensus Policy and Temporary Policy Specification
    - Registrar Information Specification
- Documents submitted by the Registrar Stakeholder Group for the Prague Meeting:
    - Registrar NT Scorecard
    - RAA Critical Issues- Data Retention and WHOIS
    - RAA Critical Issues- Consensus Policies
    - Status of Issues that are the Subject of the LE Recommendations
    - RAA Summary Notes

More Information

- The ICANN Board's Dakar resolution on the RAA is posted at: http://www.icann.org/en/minutes/resolutions-28oct11-en.htm#7
- To review the Final Report on Improvements to the RAA, please see: http://gnso.icann.org/issues/raa/raa-improvements-proposal-final-report-18oct01-en.pdf
- To review the Staff Discussion Paper published prior to Dakar, please see: http://gnso.icann.org/issues/final-raa-discussion-paper-13oct11-en.pdf
- To learn more about the RAA, please refer to the Non-Lawyers Guide to the RAA, posted at: http://www.icann.org/en/registrars/non-lawyers-guide-to-ra-agreement-15feb10-en.htm
- Reports of each of the RAA meetings and discussion of amendment topics addressed at each meeting will be posted on separate WIKI pages atta ched to this Home Page.
- The GNSO Final Issue Report delivered by Staff in response to the Board Dakar Resolution identifies the policy avenues for addressing these amendment topics.
- A Status Report on the RAA Negotiations was published on the ICANN website on 1 March 2012, at http://www.icann.org/en/news/announcements/announcement-01mar12-en.htm
- An updated Status Report on the RAA Drafting Team recommendations as of 1 March 2012

If you have general feedback you'd like to provide, please provide them by submitting comments below.

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