

Current list of proposed RAA amendments – 16 December 2008

1. Enforcement tools

- a. Registrar Audits – Allowing ICANN to conduct site visits and audits of registrars upon at least 15 days notice.
- b. Sanctions & Suspension – Providing for escalated compliance enforcement tools such as monetary sanctions and suspension of registry access.
- c. Group Liability – Preventing “serial misconduct” by registrars when another affiliated (by common control) registrar’s RAA is terminated.
- d. Registrar Fees – Revising registrar fee provision to be aligned with recent and current ICANN budgets; assessing interest on late fee payments.
- e. Registrations by Registrars – Creating liability by registrars to ICANN for any registrations created by a registrar for its own use (in lieu of a registration agreement between the registrar and itself).
- f. Arbitration Stay – Eliminating the existing automatic 30-day stay of termination registrars receive by initiating arbitration or litigation to challenge an RAA termination.

2. Registrant protections

- a. Private Registration & Registrar Data Escrow Requirements – Registrars are required to either escrow underlying customer data in the case of private or proxy registrations or, alternatively, give prominent notification that such data will not be escrowed.
- b. Registrant Rights and Responsibilities – Requiring registrars to include on their websites a link to a “Registrant Rights and Responsibilities” document to be created in consultation with the ICANN community.
- c. Contractual Relationships with Resellers – Protecting registrants who are customers of resellers by obligating resellers to follow ICANN policies and requiring that they either escrow privacy/proxy customer data or, alternatively, give prominent notification that such data will not be escrowed.
- d. Licensee Contact Information Disclosure – Requiring any Registered Name Holder that licenses use of a domain name to disclose the current contact information provided by the licensee (in addition to the identity) when presented with evidence of actionable harm or accept liability for the harm caused.
- e. Registrar Contact Information – Requires registrars to provide their accurate contact details on their websites including valid email and mailing addresses.

3. Promoting stable and competitive registrar marketplace

- a. Accreditation by Purchase – Requiring registrars to notify ICANN upon a change of ownership and to re-certify compliance with the RAA.
- b. Operator Skills Training and Testing – Providing for mandatory training of registrar representatives to ensure better registrar understanding of ICANN policies and RAA requirements.
- c. Use of ICANN-Accredited Registrars – Maintaining ICANN’s general policy of requiring registries to use ICANN-accredited registrars (in the absence of a reasonable and noted exception).

4. Agreement modernization

- a. Notice Provision – Streamlining ICANN’s obligation to provide notice to registrars of new consensus policies applicable to registrars.
- b. References to the Department of Commerce – Acknowledging ICANN’s movement toward independence from the DOC by removing certain references within the RAA to a requirement of DOC approval.
- c. Registrar Data Retention Requirements – Clarifying data retention requirement for registrars to allow for more uniform practices.