

Response to Documentary Information Disclosure Policy Request

To: Asvatha Babu on behalf of the Centre for Internet & Society

Date: 23 November 2016

Re: Request No. 20161024-5

Thank you for your Request for Information dated 24 October 2016 (Request), which was submitted through the Internet Corporation for Assigned Names and Numbers (ICANN) Documentary Information Disclosure Policy (DIDP) on behalf of The Centre for Internet & Society (CIS) on 24 October 2016. For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested

Your Request seeks the disclosure of documentary information regarding ICANN accredited registrars. Specifically, you seek the following:

- 1) Accredited in 1999 (5 registrars that were part of the SRS Testbed system)
- 2) Accredited since April 8, 1999 until the adoption of 2001 RAA
- 3) Accredited after the 2001 RAA and before the 2009 RAA
- 4) Accredited after 2009 till present

Response

Any entity that wants to offer domain name registration services under gTLDs with a direct access to the gTLD registries is required to obtain an accreditation from ICANN. To that end, the interested entity must apply for accreditation and demonstrate that it meets all the technical, operational and financial criteria necessary to qualify as a registrar business. The relationship between ICANN and every accredited registrar is governed by the individual Registrar Accreditation Agreements (RAA), which sets out the obligations of both parties.

On 28 September 1999, ICANN [announced](#) a tentative agreement with the United States Department of Commerce and Network Solutions, Inc. (NSI) on a series of agreements to put the newly introduced competition among registrars in the .com, .net, and .org TLDs on a permanent and firmer footing. Prior to that time, NSI registered all domain names in the .com, .net, and .org top level domains under a 1993 Cooperative Agreement with the US Government. (See <http://www.networksolutions.com/nsf/agreement/agreement.html>.) In October 1998, the U.S. Government and NSI agreed to amend the existing Cooperative Agreement (<http://www.ntia.doc.gov/ntiahome/domainname/proposals/docnsi100698.htm>) to extend NSI's operation of the registry for the .com, .net, and .org top-level domains through September 30, 2000, and to require NSI to give competitive registrars access to the registry. Competitive access was to be introduced in three phases, beginning with a

testbed (phase 1). Pursuant to Amendment 11 of the Cooperative Agreement between the US Government and NSI, the testbed phase was scheduled to last for two months, from 26 April 1999 to 24 June 1999. (See Amendment 11 to the Cooperative Agreement between the U.S. Government and NSI - <http://www.ntia.doc.gov/ntiahome/domainname/proposals/docnsi100698.htm>). The testbed phase was intended to work out any technical difficulties before additional registrars are included, so that vigorous competition could be introduced without endangering the stability of the domain name system. During the testbed, five competitive registrars were allowed direct access to register domain names in the registry operated by NSI. (<https://archive.icann.org/en/registrar/QANDA.htm>)

On 4 November 1999, the ICANN Board adopted a revised registrar accreditation agreement to be entered by ICANN with registrars. Registrars with accreditation agreements dated before November 4, 1999 were allowed to substitute the new agreement for their existing agreements. To continue to register names with the .com, .net, and .org registry operated by NSI after November 30, 1999, registrars were required to enter into a [new Registrar License and Agreement](#) with NSI and the revised ICANN accreditation agreement (or other version of the accreditation agreement dated after November 4, 1999).

On 17 May 2001, ICANN adopted a new version of the [Registrar Accreditation Agreement](#), which was in effect for all accredited registrars until 21 May 2009.

On 21 May 2009, the ICANN Board unanimously approved a set of 17 amendments to the Registrar Accreditation Agreement (RAA). The newly revised RAA ("2009 RAA") was the result of an extensive consultation process that engaged all interested constituencies of the Internet community including governments, individual Internet users, and gTLD registrars. The 2009 RAA included: enhanced enforcement tools to assure full compliance with the ICANN contract and policies, expanded requirements for reseller agreements, additional audit and data escrow requirements, more explicit requirements for providing contact information, and new notice requirements and termination provisions.

On 27 June 2013, the ICANN Board approved the 2013 RAA. The 2013 RAA is the most current contract governing the registrar relationship with ICANN. (<https://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm>) As new registrars are accredited or their agreements (with five-year terms) come up for renewal, they are required to enter into or renew to the most current version of the RAA. Therefore, even if a registrar was initially accredited under the 2001 RAA, if they are still in operation today they are operating under either the 2009 RAA or the 2013 RAA, depending on the timing of their renewal and/or their election to move to the most current version of the RAA.

Item 1

This item seeks the documentary information about the five registrars that were accredited in 1999 as part of the initial testbed phase of the new competitive Shared Registry System for the .com, .net, and .org domains. Under the Cooperative Agreement

between NSI and the U.S. Government, the competitive registrar testbed program began on April 26 and lasted until 24 June 1999 (Phase I). Following the conclusion of Phase I, the Shared Registry System for the .com, .net, and .org domains opened on equal terms to all accredited registrars, meaning that any company that meets ICANN's standards for accreditation was able to enter the market as a registrar and offer customers competitive domain name registration services in the .com, .net, and .org domains. On 8 February 1999, ICANN published proposed guidelines for accrediting registrars (<http://www.icann.org/draftguidelines.html>). After receiving extensive public comment from the Internet community, the ICANN Board of Directors adopted a Statement of Registrar Accreditation Policy (revised in view of the comments) at its meeting in Singapore on 4 March 1999 (http://www.icann.org/registrars/policy_statement.html). In accordance with that policy, applications for accreditation were accepted through 8 April 1999. After reviewing and evaluating the applications, ICANN selected the following five testbed participants.

- America Online
- CORE (Internet Council of Registrars)
- France Telecom/Oléane
- Melbourne IT
- register.com

(See <https://archive.icann.org/en/registrars/QANDA.htm>; see also, <https://www.icann.org/news/icann-pr-1999-04-21-en>.)

Item 2

From April 1999 to May 2001, ICANN continued to accept applications for registrar accreditation for the post-testbed period of the SRS, and accredited over 160 businesses, in addition to the original five Testbed Program participants. Item 2 requests documentary information about the registrars that were accredited during this period. While ICANN does not currently have possession, custody, or control of a comprehensive list of accredited registrars for the requested time period, a list of the registrars accredited as of 10 April 2001 is available at <https://web.archive.org/web/20010413033643/http://www.icann.org/registrars/accredited-list.html>.

Item 3

On 17 May 2001, ICANN adopted a new version of the [Registrar Accreditation Agreement](#), which was in effect for all registrars achieving accreditation through 21 May 2009. Item 3 requests documentary information about the registrars that were accredited 2001 RAA and before the 2009 RAA. While ICANN does not currently have possession, custody, or control of a comprehensive list of accredited registrars for the requested time period, a list of the registrars accredited as of 17 March 2009 is available at <https://web.archive.org/web/20090318061026/http://www.icann.org/en/registrars/accredited-list.html>.

Item 4

Item 4 seeks documentary information about registrars that have been “[a]ccredited after 2009 till present.” As discussed above, on 21 May 2009, the ICANN Board unanimously approved the [2009 RAA](#). A listing of registrars still operating under the 2009 RAA is included at <https://www.icann.org/registrar-reports/accreditation-qualified-list.html> and <https://www.icann.org/registrar-reports/accredited-list.html>. Also reflected on that list are all registrars that are accredited under the 2013 RAA, which was approved by the ICANN Board on 27 June 2013.

Because registrars are expected to move to the most-current version of the RAA upon accreditation or renewal, ICANN does not maintain a comprehensive document of which RAA under which the registrar initially achieved accreditation. For purposes of contractual compliance, the key focus are the obligations that the registrars are required to face today. The DIDP is not intended to be used to require ICANN to compile summaries of documentary information, therefore ICANN is not compiling any other aggregation of this information.

About DIDP

ICANN’s DIDP is limited to requests for documentary information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP, please see <http://www.icann.org/en/about/transparency/didp>. ICANN makes every effort to be as responsive as possible to the entirety of your Request. As part of its accountability and transparency commitments, ICANN continually strives to provide as much information to the community as is reasonable. We encourage you to sign up for an account at ICANN.org, through which you can receive daily updates regarding postings to the portions of ICANN's website that are of interest.

We hope this information is helpful. If you have any further inquiries, please forward them to didp@icann.org.