



May 13, 2013

Mr. Fadi Chehadé
President and CEO
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

Dear Mr. Chehadé:

On behalf of the Association of National Advertisers (ANA), I write to express our views during the public comment period on ICANN's proposed Registrar Accreditation Agreement (RAA) with registrars that will facilitate registration of second-level domain names within Internet registries.

ANA commends ICANN for publishing and soliciting comments on the proposal. All stakeholders should have an opportunity to review and comment on these matters which will be so significant to brandholders and consumers alike, once new gTLDs are deployed.

ANA has consistently maintained that the RAA should be finalized and in effect *before* any new gTLD contracts are approved. Also, ANA continues to stress that there must be meaningful enforcement and compliance obligations and mechanisms within the RAA. In that regard, we were heartened when you appeared before ANA's Spring Advertising Law & Public Policy Conference here in Washington and indicated that you would not permit the RAA to be finalized without strong enforcement measures. However, we remain concerned that ICANN's contractual compliance department still hasn't been augmented sufficiently, and that fully automated systems are not in place to meet the increased compliance demands expected from new gTLDs. We understand that there are considerable enforcement challenges in the present environment, and the automated systems are under development to meet those challenges. But ICANN's automated systems should be in operation for several months before any new gTLDs are delegated into the Internet root. Without reliable compliance process automation for contractual enforcement of the RAA, we are concerned that the carefully negotiated document could become unenforceable and rendered meaningless in practice.

The law enforcement community has made several important recommendations to ICANN about the RAA related to verification of WHOIS information, identification of contact parties in cases of violation, and related matters. In order to ensure that law enforcement can access historical records, it is important that sufficient data retention provisions be included in the RAA. The two-year standard for basic data that has been adopted and the 180-day standard for payment information are improvements. We are encouraged that ICANN adopted the recommendations by law enforcement entities as its negotiating position when finalizing the RAA. However, we are

concerned about the inadequate data verification elements (either telephone or email) and the Proxy Accreditation Program, as both may not satisfy law enforcement's requirements. It will be critical to ensure that strong standards are developed and registrars are complying with the agreements in order to avoid harm to brandholders and consumers.

ANA also supports the inclusion within the RAA of steps to prevent cybersquatting and other cyber-harms, as well as extending registrar obligations to resellers and requiring that registrars identify their resellers. While ANA would have preferred that amendments to contracts be permitted in all cases directly by action of ICANN's Board (so as to enhance enforcement), we acknowledge that the more limited amendment capability specified in the proposed RAA is an improvement over the serious lack of enforceability that exists today. It will be critically important for RAA terms and conditions to be set forth clearly, and for ICANN to be able to enforce the RAA against all registrars. We urge you to ensure that sufficient mechanisms and all automated systems of the compliance department are in place and fully tested before gTLDs are deployed.

Thank you for your attention to our comments. Please do not hesitate to contact me if you have questions or seek additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Jaffe". The signature is fluid and cursive, with the first name "Dan" and last name "Jaffe" clearly distinguishable.

Dan Jaffe
Group Executive Vice President
Association of National Advertisers
(202) 296-1883
djaffe@ana.net