Thank you for the opportunity to submit comments on the Initial Report on Proposals for Improvements to the RAA (http://icann.org/en/public-comment/#raa-improvements2010)

The Messaging Anti-Abuse Working Group is an international non-profit industry-lead organization founded to fight all forms of abuse, such as phishing, botnets, fraud, spam, viruses and denial-of-service attacks. Drawing technical experts, researchers and policy specialists from a broad base of Internet Service Providers and Network Operators representing over one billion mailboxes, key technology providers, academia and volume sender organizations, the multi-disciplinary approach at MAAWG (http://www.maawg.org) includes education, advise in public policy and legislation, development of industry best practices, guidance in development of industry standards, and facilitating collaboration. We view the domain registration system as a critical component of the Internet infrastructure within which our members work, a fact reflected in the existence and work performed by the MAAWG registrar subcommittee. Responsible registrars play a unique and critical role in preventing and responding to online abuse.

MAAWG is thus pleased to see ICANN's interest in improving the current Registration Accreditation Agreement (RAA). We commend you, all those who submitted proposed changes, and all those who worked so hard on the 153 page "Initial Report on Proposals for Improvements to the RAA" (hereafter referred to as the Initial Report).

We view the key question faced by the committee that produced the Initial Report, and the key question now facing ICANN itself, as being: Given over a hundred suggested amendments and limited staff and community resources, which of the proposed changes should properly have the highest priority for implementation in the next version of the RAA?

The initial report highlighted twelve high priority items (we will refer to these as HP1 through HP12) and ten medium priority items (MP1 through MP10), with the remainder of the items falling in a low priority category by default. Since medium and low priority items will have a reduced likelihood of being immediately incorporated into a revised version of the RAA, it is critical that the most urgent items remain in the high priority category. We also assume that the high priority list will not remain meaningful and useful if allowed to grow beyond its initial size of twelve items.

Reviewing the list of twelve high priority items on pages 18 and 19, we concur with the authors of the Initial Report that items HP2 through HP11 from the high priority list should properly receive top priority as potential amendments for incorporation into the next version of the RAA. These are "common sense" items that we believe most would already expect to be part of the RAA.

HP2:   Malicious conduct – registrar duty to investigate
HP3:   Designation of technically competent point of contact on malicious conduct issues, available on 24/7 basis
HP4:   Registrar disclosure of privacy/proxy services made available in connection with registration; and responsibility of registrar for compliance by such services
HP5:   Obligations of privacy/proxy services made available in connection with registration re data escrow; Relay function; Reveal function
HP6:   Registrar responsibility for cancellation under appropriate circumstances of registrations made by other privacy/proxy services for noncompliance with Relay and Reveal
HP7:   Define circumstances under which registrar is required to cancel registration for false Whois data
HP8:   Require PCI compliance in registration process
HP9:   Define "reseller" and clarify registrar responsibility for reseller compliance
HP10:   Require greater disclosure of registrar affiliates/multiple accreditations
HP11:   Require greater disclosure of registrar contact information, information on form of business organization, officers, etc.

With respect to the remaining two items that might ultimately comprise a twelve-item high priority slate, we believe that items MP3 and MP5 from the medium priority list should be elevated from the medium priority list to the high priority list (if necessary displacing current high priority items HP1 and HP12 to keep the size of the high priority list manageable). It is our belief that HP1 (prohibiting registrar cyber squatting), and HP12 (clarifying registrar responsibilities in connection with UDRP proceedings), while unquestionably important, are primarily focused on intellectual property issues, and will likely have lower immediate operational impact when it comes to controlling messaging abuse than MP3 (service level agreements on Whois availability) and MP5 (expand scope of authority to terminate accreditation).

We also note that while many proposed changes to Whois proxy/privacy services were given high priority (e.g., see HP4 through HP6), matrix item 5.11 (Restrict Proxy/Privacy Services to only non-commercial purposes) did not get prioritized in the Initial Report. We believe this is an oversight that should be rectified by raising matrix item 5.11 to medium priority. By restricting proxy/privacy registrations to only non-commercial registrations, the community can insure that commercial domain name registrations remain transparent (and commercial registrants remain publicly accountable), while non-commercial registrants with a well-founded basis for redacting their contact information (such as individuals or non-commercial organizations targeted by stalkers or abusers) can register domain names while remaining protected from potential harassment.

The RAA only provides protections to registrants and Internet users insofar as its provisions are enforced. Hence it is essential that every provision be written to permit meaningful verification of compliance, and that ICANN develop and implement its compliance verification strategy in parallel with the RAA modifications. For example, in item HP7, the RAA needs a time limit for registrars to act on invalid Whois information, so ICANN can verify both whether a registrar responds and whether the response is timely. For those items that require registrars to provide contacts or other information, it would be very desirable for ICANN to publish the information provided by the registrars and the last time it was verified. This would include, for example, item HP3, the 24/7 technical contact, and item HP11, the registrar's contacts, officers, and business information.

MAAWG appreciates the opportunity to offer comments on this important work, and we would welcome further discussions if you have any questions about our perspective.

Sincerely
/s/
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