



**Via Email: [comments-asia-renewal-27mar19@icann.org](mailto:comments-asia-renewal-27mar19@icann.org)**

April 30, 2019

ICANN  
12025 Waterfront Drive, Suite 300  
Los Angeles, California  
90094-2536, USA

Attn: Mr. Russ Weinstein, Global Domains Division

Dear Mr. Weinstein:

**Re: Proposed Renewal of .asia Registry Agreement**

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I write to you on behalf of members of the Internet Commerce Association. Founded in 2006, the Internet Commerce Association (the “ICA”) is a non-profit trade organization representing domain name registrants, including domain name investors, domain name secondary marketplaces, domain name brokers, escrow service companies, and related service providers. The ICA’s mission is to assist with the development of domain name related policy. ICA members own a substantial percentage of all Internet domains and provide crucial domain name-related services to millions of Internet users.

We are pleased to provide herein, our comments on the Proposed Renewal of the .asia Registry Agreement (the “Proposed Renewal Agreement” or the “Agreement”).

1. **ICANN Should Seek Community Input *Before* Negotiating Registry Agreement Renewals**

The Proposed Renewal Agreement was ostensibly already negotiated and agreed to by ICANN and Afiliias before seeking input from stakeholders on the very serious policy matters that arise from the Agreement. At this point, ICANN seeks public comment not to renegotiate the Agreement, but only to make a report of public comments “available for the ICANN Board in its consideration of the proposed renewal agreement”. This puts the cart before the horse. Prior to negotiating and agreeing on any such Agreement, ICANN should be seeking community input as otherwise ICANN will not have the benefit of understanding what stakeholders want or need will

thereby not be responsive to the stakeholders that it is mandated to serve. That is precisely what has regrettably occurred here.

## **2. ICANN Once Again Circumvents Dedicated Volunteers When it Comes to URS and So-Called “Bottom-up Multi-Stakeholder” Policy Development**

ICANN prides itself on bottom-up multi-stakeholder policy development, but yet again, ICANN staff has attempted to circumvent the established policy development process. The Proposed .asia Renewal Agreement includes Uniform Rapid Suspension (“URS”) when ICANN Staff are well aware that the question of whether URS should become a Consensus Policy is currently undergoing extensive review by the Rights Protection Mechanism Working Group (the “RPM WG”). In fact, the question of whether URS should be applicable to all gTLD’s as a Consensus Policy is one of the primary questions that numerous experts from the ICANN community have been engaged in for the last two years. These experts have dedicated thousands of person hours to determining whether URS should be a Consensus Policy and yet ICANN Staff has purported to circumvent them and render all these efforts largely moot with the unilateral implementation of URS in registry agreements as they come up for renewal.

It is an affront to the ICANN Community, and in particular to those dedicated volunteers that are following the established policy development process, that right under the noses of the ICANN Board, ICANN Staff continue to subvert and circumvent the required procedures by unilateral implementation of policy. This is at least the 7<sup>th</sup> instance where the Global Domains Division (“GDD”) has circumvented the policy development process by unilateral introduction of the URS and ICANN has been put on notice through Comments by various parties on each occasion.<sup>i</sup>

The question then becomes whether there is any point in continuing to engage in the established “bottom-up multi-stakeholder model” if efforts from volunteers, included members of the Internet Commerce Association, are ostensibly engaged in mere “busy work” at tremendous expense and opportunity cost, when the actual policy making happens behind closed doors by ICANN Staff.

Given that ICANN Staff has ignored all previous entreaties to abide by the established policy development procedure when it comes to URS, it must be concluded that ICANN pays mere lip service to the bottom-up multi-stakeholder model and putting the Proposed .asia Renewal Agreement out for public comment is mere window dressing.

Nevertheless, once again, and despite every indication that ICANN Staff remains intent upon continuing their unilateral policy making mission and circumventing its dedicated volunteers, we must demand that ICANN await the completion of the Working Group’s deliberations on the inclusion of URS as a Consensus Policy and refrain from unilateral imposition.

Yours truly,  
**INTERNET COMMERCE ASSOCIATION**

B.M

Per:  
Zak Muscovitch  
General Counsel, ICA

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<sup>i</sup> See for example “Comments Run Overwhelmingly Against ICANN Staff Attempt to Impose URS on Legacy gTLD’s, June 22, 2015 (<https://www.internetcommerce.org/comments-oppose-dottravel-urs/>); see also “Comment on Proposed Renewal of .Coop Sponsored Registry Agreement, Business Constituency Submission, July 27, 2018 ([https://www.asiaconst.org/assets/docs/positions-statements/2018/2018\\_07July\\_27%20BC%20Comment%20on%20COOP%20Sponsored%20Registry%20Agreement.pdf](https://www.asiaconst.org/assets/docs/positions-statements/2018/2018_07July_27%20BC%20Comment%20on%20COOP%20Sponsored%20Registry%20Agreement.pdf)); See also: “ICA Files ICANN Comment on Proposed .Museum RA Renewal”, October 22, 2017 (<https://www.internetcommerce.org/ica-files-icann-comment-on-proposed-museum-ra-renewal/>).