

Registrar Constituency Statement

12 July 2005

by Bhavin Turakhia, chair

There was extreme displeasure expressed by all registrars with regards to changes in the .net contract without following due process. The Registrars have drafted a statement to the icann board - which has been unanimously agreed upon by ALL the registrars that attended the Registrars Constituency meeting

"Registrars trusted the ICANN Board and ICANN staff to act on behalf of the ICANN community in negotiating a new contract with Verisign for .net.

Registrars consider there to be a breach of trust by the ICANN Board and the ICANN staff in approving a contract with Verisign regarding .net that contains significant changes from the draft .net agreement posted on the ICANN website, without ANY public consultation. We consider this not only a breach of trust but a breach of the transparency provision (Article III - specifically Section 6) of the ICANN bylaws that states that ICANN shall operate in an open and transparent manner and consistent with procedures designed to ensure fairness, specifically that ICANN would have a public comment period in case of changes that significantly effect 3rd parties and/or involve any imposition or changes to pricing.

This is not the first time this has happened. When the new transfers policy was implemented, Verisign negotiated a change in the registry-registrar agreement with the ICANN staff, which was approved by the ICANN Board, to accommodate the transfers policy that contained changes beyond purely for the purposes of the transfers policy without any public consultation with any party including parties that were significantly impacted by that change. ICANN staff gave an undertaking to registrars that this would not happen again. It is the registrars view that this verbal undertaking was also breached.

The changes to the .net agreement that specifically concern registrars are:

- the maximum price (\$4.25 including the ICANN registry fee) put forward by Verisign in the .net application only applies for the first 18 months of the new agreement. After that Verisign is free to set any price. Registrars want the maximum price fixed for the duration of the entire agreement.

- Verisign is excluded from new consensus policies that relate to the introduction of new registry services other than what is in the new .net agreement. Registrars want Verisign to continue to be subject to consensus policies in this area.

- ICANN may not change the above terms in a renewal of the agreement.

Registrars want ICANN to have the ability to negotiate a lower maximum price at the time of contract renewal.

We therefore wish for

- * a reconsideration of the .net contract as per the process that should have been followed
- * assurances that due process will be followed in similar circumstances in the future
- * specific assurances that there is no way something similar would occur in the dotCom contract

Registrars present at Luxembourg who have all agreed to this statement

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ascio
anytimesites
ausregistry
tu cows
enom
bulkregister

core
deusthce
directi
domainbank
domainsonly
apag
godaddy
wildwest
bluerazor
iholdings
melbourne it
name intelligence
name.com
namebay
network solutions
namesecure
srsplus
register.com
solis
domainclip
tuonome
dotster
markmonitor
gmo
nominalia
stargate
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