



The Internet Corporation for Assigned Names and Numbers

June 30, 2016

Coalition for Online Accountability
c/o Mitchell Silberberg & Knupp LLP
1818 N Street N.W., 8TH FLOOR
Washington, D.C. 20036-2406

Re: Your letter dated June 17, 2016

Dear Mr. Metalitz:

Thank you for your letter dated June 17, 2016. You call attention to important issues, and I hope this response contributes to a better understanding of ICANN's role and commitment regarding these matters.

ICANN is strongly committed to enforcing the Public Interest Commitments ("PICs"). As we have previously stated, because the PICs are incorporated in Specification 11 of the Registry Agreement, they are part of the contract between ICANN and the Registry Operator. Accordingly, these PICs are subject to enforcement by ICANN's contractual compliance department in the ordinary course of its enforcement activities, and ICANN is committed to enforcing these safeguards, whether we are operating under the existing Bylaws or the New Bylaws adopted in May 2016. The Public Interest Commitments Dispute Resolution Procedure ("PICDRP") provides a potential alternative or parallel mechanism for a harmed party to pursue remedies, but it does not preclude or limit ICANN from enforcing the PICs through its normal contractual compliance process and timetable. It should also be noted that nothing in the PICDRP limits harmed parties, regulatory authorities or law enforcement from pursuing other available remedies against the party causing harm (whether a Registry Operator, Registrar or registrant), including, for example, pursuing remedies through administrative, regulatory or judicial bodies to seek fines, damages, injunctive relief or other remedies available at law.

Regarding your concerns about ICANN's authority with respect to piracy, copyright infringement, counterfeiting, and fraudulent or deceptive practices unrelated to domain name registrations and the matters raised in the IPC's letter to our Chairman dated 11 April 2016, I direct your attention to Dr. Crocker's response to that letter dated June 30, 2016, which is posted at <https://www.icann.org/en/system/files/correspondence/crocker-to-shattan-30jun16-en.pdf>.

We also note that in your letter dated June 20, 2016 to Chairman Goodlatte, Ranking Member Conyers, Chairman Grassley, and Ranking Member Leahy, you expressed concern regarding the process for redelegation of country-code-top-level domains (ccTLDs). In that letter, you noted:



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Today, as throughout ICANN's history, when a proposal is made to transfer operational responsibility for a particular ccTLD from one entity to another, the request is processed by ICANN; but the final decision to approve this transfer – a “redelegation,” in DNS parlance – is made by the U.S. National Telecommunications and Information Administration (NTIA) in the Department of Commerce.

This description misstates NTIA's current role, and reflects a common misunderstanding among various parties in the community. NTIA's role is largely clerical, and it does not conduct a substantive review to approve redelegations. As the Root Zone Administrator, NTIA is only responsible for verifying that ICANN has followed its agreed upon verification/processing policies and procedures. If the NTIA determines that ICANN has followed these verification/processing procedures appropriately, NTIA authorizes Verisign to make any related changes to the DNS root zone and root zone database in accordance with NTIA's Cooperative Agreement with Verisign. See <https://www.ntia.doc.gov/other-publication/2016/q-and-iana-stewardship-transition>

In the entire history of NTIA's involvement with the IANA functions, NTIA has always concluded that ICANN followed its verification/processing procedures appropriately, and NTIA has never failed to authorize a redelegation request (or other change request for that matter).

Finally, I assure you that I recognize and appreciate the importance of the contractual compliance function at ICANN, and I am fully committed to ensuring that ICANN enforces the obligations contained in our contracts with registries and registrars.

Sincerely,

Göran Marby
ICANN President & CEO