2013 RAA: Dealings with Resellers

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Agenda

- Overview of Dealings with Resellers under the 2013 RAA

- Definition of "Reseller" and Examples

- Section 3.12 of RAA

- Examples of how Registrars can "ensure" elements in RAA 3.12

- Question and Answer (Q&A Pod)

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Overview of Dealings with Resellers under the 2013 RAA

Highlights of Changes to Interaction with Resellers

- Reseller is a defined term (RAA 1.24)

- Registrar must maintain written agreement with Resellers (RAA 3.12) (requirement upon execution)

- Registrar required to enforce reseller agreement related to RAA (previously, only required to notify resellers of breaches) (RAA 3.12 & 3.12.6) (requirement upon execution)

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Definition of Reseller in 2013 RAA

Definition of Reseller under 2013 RAA

Section 1.24: A "Reseller" is a person or entity that participates in Registrar's distribution channel for domain name registrations:

(a) pursuant to an agreement, arrangement or understanding with Registrar or

(b) with Registrar's actual knowledge, provides some or all Registrar Services, including collecting registration data about Registered Name Holders, submitting the data to Registrar, or facilitating the entry of the registration agreement between the Registrar and the Registered Name Holder.

Definition of Reseller under 2013 RAA

Registrar Services

- Defined term in RAA 1.19

- Services subject to the RAA

  - contracting with Registered Name Holders,

  - collecting registration data about the Registered Name Holders, and

  - submitting registration information for entry in the Registry Database

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Examples

Example 1

Attorney registers a domain name on behalf of client:

- Registers name from registrar's public website

- Has registered only one name in total with your registrar

- Pays the price listed on the website for one domain, i.e., no special discount

Attorney is mostly likely <u>not</u> a reseller under RAA 1.24.

Example 2

Webhosting company registers a name on behalf of client.

- Has access to non-public API (interface) and registers name this way

- Is given special pricing (discounts) from registrar

- Has registered 150,000 domain names on behalf of various clients

- Is a shareholder in registrar's company

Webhosting company <u>is</u> a reseller under RAA 1.24.

Example 3

Company offers domain registration services

- Has signed a reseller agreement with registrar

Company is a reseller under RAA 1.24.

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Section 3.12 of RAA

RAA 3.12 Requirements upon Signing

- Registrars must:

  – Enter into written agreements with all of its Resellers (RAA 3.12)

- Registrars must ensure that:

  – Resellers cannot display ICANN or ICANN-accredited registrar logo (RAA 3.12.1)

  – Any registration agreement used by reseller shall include all registration agreement provisions and notices required by the ICANN Registrar Accreditation Agreement and any ICANN Consensus Policies, and shall identify the sponsoring registrar or provide a means for identifying the sponsoring registrar, such as a link to the InterNIC Whois lookup service. (Section 3.12.2)

RAA 3.12 Requirements upon Signing

- Registrars must ensure that:

  - Its Resellers identify the sponsoring registrar upon inquiry from the customer. (RAA 3.12.3)

  - Its Resellers' customers are provided with a link to an ICANN webpage detailing registrant educational information, as detailed in subsection 3.16 (RAA 3.12.5)

  - In the event Registrar learns that a Reseller is causing Registrar to be in breach of any of the provisions of this Agreement, Registrar shall take reasonable steps to enforce its agreement with such Reseller so as to cure and prevent further instances of non-compliance. (RAA 3.12.6)

RAA 3.12 1 January 2014 Requirements (Transition Addendum)

- Registrars must ensure that:

    - Its Resellers comply with Privacy/Proxy Specification and Privacy/Proxy Accreditation Program or Policy when established (RAA 3.12.4)

    - Its Resellers shall publish on their website(s) and/or provide a link to the Registrants' Benefits and Responsibilities Specification (RAA 3.12.7)

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What does it mean to ensure?

Examples of how Registrars can "ensure"

- Include all of reseller obligations in the agreement between your registrar and its resellers and attach consequences for contract non-compliance

- Implement monitoring processes whereby your registrar periodically looks at its resellers' websites to ensure compliance with certain RAA obligations (such as website posting requirements)

- Include annual reporting requirements in the agreement between your registrar and its resellers that would require resellers to provide evidence that they are in compliance with RAA obligations

Thank You

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Questions