

Stress Test #29: (Similar to #23) ICANN strongly enforces the new gTLD registrar contract provision to investigate and respond to reports of abuse, resulting in terminations of some name registrations.

ICANN also insists that legacy gTLD operators adopt the new gTLD contract upon renewal.

Consequence(s): A registrant whose name registration has been terminated asserts that ICANN has effectively become a regulator of conduct and content on registrant websites.

EXISTING ACCOUNTABILITY MEASURES	PROPOSED ACCOUNTABILITY MEASURES
<p>The GNSO could initiate a policy development process to define registrar obligations. A new Consensus Policy would apply to all Registry contracts and RAA.</p> <p>Affected registrants may file comments on the proposed gTLD contract renewals.</p> <p>Affected registrants and users have no standing to use IRP to challenge ICANN decision.</p>	<p>The GNSO could initiate a policy development process to define registrar obligations. A new Consensus Policy would apply to all Registry contracts and RAA.</p> <p>The proposed IRP allows any aggrieved party to challenge ICANN’s enforcement actions, resulting in a binding decision. The IRP challenge could assert that <u>an</u> RAA provision was not the result of consensus policy and violates Mission Statement, Commitments and Core Values in amended bylaws.</p> <p>The IRP standard of review would look at revised ICANN bylaws, including a Core Value requiring policies “that are developed through a bottom-up, consensus-based multistakeholder process”.</p>
<p>CONCLUSIONS:</p> <p>Existing measures would not be adequate to challenge ICANN enforcement decision.</p>	<p>Proposed measures would be adequate to challenge ICANN enforcement decision.</p>

1 **Stress Test #30:** (Similar to #23 and #29) ICANN terminates registrars for insufficient response to reports of copyright abuse on registered domains.

2 **Consequence(s):** A registrar whose RAA has been terminated challenges the termination, asserting that ICANN has effectively become a regulator of conduct and content on registrant websites.

23 Similarly, a registrant customer of the terminated registrar seeks to challenge the termination, asserting that ICANN has effectively become a regulator of conduct and content on registrant websites.

EXISTING ACCOUNTABILITY MEASURES	PROPOSED ACCOUNTABILITY MEASURES
<p>34 The GNSO could initiate a policy development process to define registrar obligations. A new Consensus Policy would apply to all Registry contracts and RAA.</p> <p>45 Affected registrars could challenge ICANN's termination decisions with Reconsideration or IRP, although the standard of review is only on whether ICANN followed process.</p> <p>56 Affected registrants and users have no standing to use IRP to challenge ICANN decision.</p>	<p>67 The GNSO could initiate a policy development process to define registrar obligations. A new Consensus Policy would apply to all Registry contracts and RAA.</p> <p>78 The proposed IRP allows any aggrieved party to challenge ICANN's enforcement actions, resulting in a binding decision. IRP challenge could assert that <u>an</u> RAA provision was not the result of consensus policy and violates Mission, Commitments and Core Values in amended bylaws.</p> <p>89 The IRP standard of review would look at revised ICANN bylaws, including a Core Value requiring policies <u>"-that are developed through a bottom-up, consensus-based multistakeholder process"</u>.</p>
<p>CONCLUSIONS:</p> <p>910 Existing measures would <u>be adequate for a registrar, but would</u> not be adequate <u>for a registrant,</u> to challenge ICANN enforcement decision.</p>	<p>1011 Proposed measures would be adequate to challenge ICANN enforcement decision.</p>