

1 December 2015

Response to Board letter concerning RAA Insurance Waiver

From: GNSO Council

To: Steve Crocker
Chairman, ICANN Board

Dear Steve,

Thank you very much for your letter concerning the 28 September 2015 resolution waiving the insurance requirement in the 2009 and 2013 Registrar Accreditation Agreements (RAAs). Per your request, the GNSO Council considered the letter and your request to consider whether additional policy work on this topic should be undertaken during its meeting on 21 October 2015 (see <https://meetings.icann.org/en/dublin54/schedule/wed-gnsocouncil/transcript-gnsocouncil-21oct15-en.pdf>).

Based on that discussion, the GNSO Council would like to inform you that at present there is no intention to commence policy work on this topic, but the GNSO Council reserves the right to take up this matter at a future date as it acknowledges that the specific harms mentioned in the letter that are not covered by any insurance policy may need further work ('most CGL insurance policies would exclude coverage for errors and omissions by the registrar of the type that would protect a registrant for negligent acts by the registrar related to the domain name, such as accidentally deleting or failing to renew a registration, or allowing a domain name to be hijacked'). The GNSO Council, however would like to emphasize that from its perspective prevention is always better than finding a cure and as such encourages ICANN to work with the registrar community on enhancing communication and education that may avoid these instances from happening.

Regards,

James Bladel
GNSO Council, Chair