Roberto Gaetano  
Chairman of the Board

Public Interest Registry

*(transmitted via email)*

24 February 2017

Dear Roberto,  
  
The Non-Commercial Users Constituency (NCUC) has represented the interests and concerns of non-commercial Internet users and registrants in the development of consensus policies which govern generic top-level domain names since 1999. We represent a broad cross-section of the global Internet community; among our members in 117 countries are individual end-users of the Internet, academics, civil society actors, copyright practitioners, and intellectual property attorneys who care about the functionality and longevity of the Domain Name System. We have enjoyed a positive relationship with the Public Interest Registry since our inception and have a member appointed to your Advisory Council.  
  
It was recently brought to our attention that the Public Interest Registry was in the process of implementing a Systemic Copyright Infringement Alternative Dispute Resolution Policy, which we understand was developed privately with the Domain Name Association. We were disappointed not to have been invited to share our input on why we consider this policy to be problematic, and our members were in the process of mobilising to communicate our discontent to the Public Interest Registry. We were pleased, however, to read a statement on your website published on 23 February which says you have now “[paused](http://pir.org/systemic-copyright-infringement-alternative-dispute-resolution-policy-scdrp/)” the development of this process. On behalf of the NCUC, I would like to convey our gratitude to the Public Interest Registry for both listening to and reacting to the sentiments of the multistakeholder community who follow your work with great interest.

We hope this pause is a permanent one. But if the conversation is unmuted, we would like to make one request: should you resume work in this arena, we ask that you involve us and other interested stakeholders in the policy development process. We believe you have a special obligation, as a registrar which exists in the public interest, to engage in a dialogue with all voices, popular and unpopular, and especially so when the outcomes being discussed are so severe that they could result in the repossession of a domain name. As you may know, domain names are the vehicles where we express speech and share knowledge. They enable the fundamental human right to free expression, and to dissent. The revocation of a domain name from a registrant is not something to be taken lightly, and should only happen where due process has been followed and an investigation of fact has transpired.

We appreciate that the Public Interest Registry’s intentions – of ensuring compliance with US copyright law – were good, and we are happy that on this occasion no harm to the Domain Name System ultimately occurred. But sound policy making is informed by evidence, not fearmongering, and is best shaped by an open and inclusive multistakeholder dialogue because the legitimacy and acceptance of decisions directly impacts their implementation. In the words of the Internet Society, “[We get better answers to global questions when a range of experts and interests can meaningfully take part in the discussion.](https://www.internetsociety.org/doc/internet-governance-why-multistakeholder-approach-works)”

Thank you again for making the right decision on this occasion, and pausing the implementation of the Systemic Copyright Infringement Alternative Dispute Resolution Policy. Please know that you can turn to us when you need our expertise.

Yours sincerely,

Farzenah Badii

Chair

Non-Commercial Users Constituency

cc: Kathy Brown

President and CEO

Internet Society

Version 1.0 Draft by Ayden Férdeline (24 February 2017)

Not reviewed or approved yet by NCUC