

13 September 2022

RE: Issue with Registrar Accreditation Process

Peter Sunde Kolmisoppi  
Sarek Oy  
Via electronic mail

Dear Peter Sunde Kolmisoppi,

In March 2021, Sarek Oy submitted a [complaint](#) regarding the registrar accreditation application it submitted in October 2019. The complaint expresses dissatisfaction and disagreement with ICANN org's determination regarding your application to become an ICANN accredited registrar, and you are requesting denial of your application be reversed. This letter is in response to your complaint.

I apologize that, due to unforeseen circumstances, it has taken a long time to draft and respond to your complaint. Despite the delay of this written response, your complaint was evaluated and considered according to ICANN's published [complaints process](#) shortly after your complaint was submitted.

After researching and analyzing your Complaint, I found that ICANN's determination regarding your application is inline with ICANN's process requirements, [published materials](#), [Registrar Accreditation Application Terms and Conditions](#), and the [Statement of ICANN Registrar Accreditation Policy](#) (the "Policy"). The Policy resulted from ICANN's open, transparent and bottom-up, multistakeholder policy development processes that are led by the private sector, as defined in the [ICANN Bylaws](#). When policy is developed by the private sector, it is ICANN's responsibility to implement and enforce the policy. Private sector policies are developed in support of ICANN's mission to ensure the stable and secure operation of the Internet's unique identifier systems. ICANN's determination to not approve Sarek Oy's registrar accreditation application was based on the above published materials; i.e., the Policy, the Terms and Conditions of the submitted application, and the supporting documentation.

### **Background**

To start, it is not the role or directive of the Complaints Office to usurp determinations made by ICANN functions or staff. Instead, the role of the Complaints Office is to receive, research, analyze, and resolve issues as openly as possible, and to help ICANN build on its operational effectiveness openly and transparently. The [complaints process](#) includes conferring with ICANN staff colleagues with expertise in the area(s) that are or may be relative to the subject matter of your complaint. Complaints Office findings and recommendations are based on the results of that research and analysis, coupled with my own expertise.

Sarek Oy submitted an application to become an ICANN accredited registrar in October 2019. In August 2020, following exchanges of information between Sarek Oy and ICANN, ICANN

requested and received background screening results for the application as required by ICANN's standard accreditation process. The background screening results included conditions that reflected negatively on the application which were not disclosed in Sarek Oy's application.

In February 2021, after validating the background screening results with Sarek Oy, ICANN determined that Sarek Oy's application did not meet the requirements to become an ICANN accredited registrar which was communicated to Sarek Oy, including the reasons why.

Sarek Oy disagreed with ICANN org's determination and submitted a complaint to the Complaints Office. It is your contention that you have met the requirements to become an ICANN accredited registrar and that you are being discriminated against. You believe ICANN is discriminating against you by not approving your application because you have been a vocal critic of centralized structure on the Internet, social media giants, and ICANN.

Additionally, it is ICANN's standard practice to keep information regarding registrar accreditation applicants confidential. Any references in this response containing specific information regarding ICANN's receipt and processing of your complaint have been taken from your public discussion of this matter. For clarity, any references to your public discussion contained in this response are noted and linked to the location where they can be found.

## Findings

I do not agree with your assertion that you have met the requirements to be approved for registrar accreditation or that you are being discriminated against by ICANN. Sarek Oy's application responses to the technical, operational, and contractual capabilities were satisfactory, but as you have [publicly shared on X](#)<sup>1</sup> (formerly Twitter), Sarek Oy's background check identified circumstances that materially affected ICANN's decision to not approve your application. In addition to the background screening results, the circumstances identified in the background screen were not disclosed in the registrar application as required and committed to by Sarek Oy in the application it submitted. Based on both of these conditions, ICANN made the determination that accrediting Sarek Oy may not be in the best interest of ICANN or its stakeholders and did not approve the application.

ICANN's registrar accreditation authority is established in the [Statement of ICANN Registrar Accreditation Policy](#) ("The Policy"). ICANN's [published documentation](#) regarding registrar accreditation includes the requirements established by The Policy, and the [Registrar Accreditation Application which contains the Terms and Conditions](#) that apply to submitted applications/applicants. ICANN has the discretion, through the registrar application process, to ensure it conducts business with qualified entities.

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<sup>1</sup>X tweets (<https://twitter.com/brokep/status/1364950213790740481?lang=en>, and <https://twitter.com/brokep/status/1366522131811627009>) included statements regarding the background screening results such as you were "...involved in a case of aiding copyright infringement from 2005-2006. That is 15+ years ago. And not fraud or similar.", and "...I was wanted by Interpol" and, "I've had lots and lots of domains suspended for dubious reasons".

The Statement of Registrar Accreditation Policy (the “Policy”) is the ICANN Policy that governs how ICANN accredits registrars. [Section II. of The Policy](#), Statement of Minimum Qualifications for Accreditation, states that ICANN may refuse to accredit a registrar if conditions exist that reflect negatively on the application. [Section II. B. of The Policy](#), Matters Potentially Leading to Ineligibility, begins by stating, “ICANN may refuse to accredit an otherwise qualified applicant for any of the following reasons:”. The reasons stated are in broadly stated categories and include any material misrepresentation made in the application, and relevant legal proceedings including misdemeanor and felony convictions, and judicial proceedings within the past 10 years. The 10 year period is a disclosure period and not a rule that crimes beyond 10 years ago are not considered in determining whether to accredit a registrar applicant.

In addition to The Policy, the Registrar Accreditation Application Terms and Conditions contain language regarding ICANN’s authority to reject an application.

- *Section 1. Disclosure: “Any material misstatement, omission or misrepresentation in an application may cause ICANN to reject the application without refund of any application fees.”*
- *Section 4. Application Process: “The applicant acknowledges that ICANN reserves the right, at any time and for any reason, to decline or not to proceed with an application.”*
- *Section 4. Application Process: “ICANN does not guarantee or make any assurance that an application will be approved or will result in the official ICANN accreditation of the applicant as a registrar.”*

ICANN requires a background screening report for every registrar accreditation applicant or any person/entity owning 5% or more of the applicant. Specifically, question 12 in the application seeks to identify whether conditions exist that negatively reflect on the application/applicant that impacts their desirability as an ICANN accredited registrar.

I understand you believe these indiscretions to be outdated or not relevant to your application to become an ICANN accredited registrar, but ICANN disagrees. ICANN is responsible for ensuring the security, stability, and interoperability of the domain name system. Applicants for registrar accreditation must meet or exceed ICANN’s requirements and ICANN has the discretion to not approve an application. This is not personal nor a judgment of who you are or were. The results found in your background screening, and your failure to disclose these facts when you applied for registrar accreditation are the reasons why ICANN decided to not approve your application.

## **Conclusion**

ICANN takes its role seriously and has structured its activities, priorities, and behaviors to support its important mission. Errors and misunderstandings happen from time to time and when they do, ICANN evaluates the circumstances and makes improvements and/or adjustments where needed. In evaluating your complaint, I did not identify anything indicating that the denial of your application should be reversed or that ICANN’s determination was made based on anything personal or outside the accreditation process and requirements.

ICANN appreciates you bringing your concerns to our attention. When stakeholders, like yourself, bring forward concerns in a constructive way, it helps ICANN identify and act on improvement opportunities, regardless of the outcome of the complaint. Thank you for the opportunity to work with you.

Kind regards,  
Krista Papac  
ICANN Complaints Officer