
----- Original Message -----

From: Clicktools Alert [REDACTED]

Sent: 3/1/2021 1:26 PM

To: globalsupport@icann.org

Subject: Complaint - Other Accreditation process

Name: Peter Sunde Kolmisoppi

Email [REDACTED]

Company: Sarek Oy

Type: Other Accreditation process

Description

Hi! I'm the director of Sarek Oy, who was recently denied registrar accreditation from ICANN.

After having a talk with [REDACTED] I got informed I could bring my complaint to the complaints office and would like to initiate that.

I was informed that the denial of my application to become accredited was because of my background as the spokesperson for The Pirate Bay. I was [REDACTED] in Sweden, in a quite well known court case. I'm not going to go into details about the extreme circumstances around the case but generally speaking it was a very different case.

In the denial from ICANN it lists two reasons for the denied request; [REDACTED]

[REDACTED]

[REDACTED] I have been nothing but transparent, I am also obviously aware of search engines finding me, being a quite public person with a unique name, in a second to get information about me and my background. I have never tried hiding that.

The tertiary reasoning is that ICANN reserves the right to deny any application as they seem fit. And after speaking to [REDACTED] I have generally understood that my background as a vocal opponent to the immaterial rights legislation is the reasoning for the denial.

After talking to [REDACTED] I was informed that ICANN "does not feel comfortable doing business with me". I was also informed the [REDACTED]

For me this is, from a democratic standpoint, a very serious issue. I am being denied for my views and political history, rather than any factual situation.

Most of my life I've been active in the fight for an open and free society, mostly within communication because of my technical background. Despite being "only" 42, I've been using the internet since the early 1990s and built numerous internet companies and organisations that had the goal of improving rights and access for individuals. When I left The Pirate Bay in 2009 I started a company called Flattr which is a micro-payment system that allowed users to share money as easily as any other type of information, in order to make sure that people could make a living from sharing things for free on the internet. The company was invested in by multiple investors, ranging from famous astronauts and people from the record industry to british pension funds. The company had to deal with the Swedish and the UK Financial Conduct Authorities, which would never have allowed anyone [REDACTED] to operate a company that holds client funds. Flattr was later sold to one of germany's biggest tech companies after being the inspiration for Patreon and other companies as a way to make sure that creators could finance their creativity. For Flattr I've personally won numerous awards for my work within the culture sector, I even went to Unesco in Paris to pick up an award given out by the french minister of digital affairs. Flattr was also the first ever company to win a prestigious award in the honour of the famous Swedish musician [REDACTED], for the brave work that we did.

After Flattr I founded a domain name service called Njalla because it's one of the industries that I see most centralisation of power in. I wanted to change that and made a privacy service that found the right mix of privacy and accountability. Njalla is a reseller of Tucows and other reputable registrars and holds quite a high regard as a serious entity with their partners. We've made sure to take down/block any sort of abuse, copyright infringements, fraud or what else could be potentially problematic swiftly. Njalla responds to Spamhaus, Netcraft and other abuse report organisations probably faster than anyone else.

So for me it makes zero sense that ICANN can look up on me and say that they "don't feel comfortable doing business with me". I've prove for the last 10+ years that I'm a person of high moral, I've won awards from reputable organisations, I've always been extremely transparent and open about what I want, who I am and what I've done.

Now, from a purely pragmatic standpoint, I asked [REDACTED] what the implications for ICANN in working with me would be, because I can't see any. [REDACTED] stressed that ICANN takes IP rights very seriously. That's very clear since every single ICANN regulation is very clear in how to deal with any sort of IP infringement. It would not be possible for me to influence or impact in any way regarding the dealing of any IP infringement, be it trademark or copyright infringement case, since this is all heavily regulated and systemised with tools like UDRP. I can not find a single day to day situation where I could jeopardize ICANNs regulations with success.

Clearly, the company would not spend the tens of thousands of dollars it costs to become a registrar, build up years and years of experience and portfolio before-hand, employ lots of people, for breaking one of ICANN (or ICANNs partners) regulations, since it would lead to whatever we break to be reversed and us to lose the accreditation. After losing the accreditation we'd lose the portfolio of domains, the customers, have to fire the staff and close down the company. Obviously, ICANN understands this better than anyone else since you know the impact the accreditation brings.

So what that leaves me with is the understanding that the reason that I have been denied is not because of the troubles I could (not) bring. It's also obvious that I have fulfilled all of ICANNs requirements according to the RAA - otherwise I would not have spent 2 years of my life in dealing with it. Nor is it one of failure to be disclose any information - I've been the one offering any little piece of information during the whole accreditation process. It is simply that ICANN is looking at me as some sort of loose cannon or problem that they don't like. Many of the senior officials in ICANN has a background in cyber or IP law, some even have a background working for the companies [REDACTED]


I've been a vocal critic of every centralised structure on the internet -- social media giants such as apple, amazon, facebook. I got [REDACTED] upset in 2015 when I explained what the criteria of a dictatorship is and that he's by definition a dictator (albeit he might be the least bad one). I have criticised ICANN in media on numerous occasions. From everything regarding the sole problematic situation of having the monopoly (which this case is point proven) to the ethical misjudgements regarding Ethos Capital/PIR and so forth. Ironically, I've even been on national TV mentioning [REDACTED] that I talked to today, regarding [REDACTED] failure to disclose the 3200 comments that was against the price cap removal of .ORG in [REDACTED] summary report for ICANN regarding the case. I do realise it puts me in a position of having an uphill battle. It also makes me a bit more relevant for ICANN than most other yes-sayers that join the organisation.

ICANN claims to achieve broad representation of the global Internet community, yet today I heard "we've never had anyone like you requesting accreditation before". ICANN claims to to develop policies appropriate to its mission through bottom-up, consensus-based processes, yet I; and my peers; were not part of these policies. This is what I want to change with the registrar accreditation. Being a normal participant in the ICANN meetings is not as impactful as being a registrar. The doors opened by being a registrar are many. And by being banned; as I defacto am today; has closed all of those doors. Without an actual reason for it, except fear or a personal dislike.

My case is no different from other type of discrimination. This is how the class system works - the ones that are welcome, the ones that have the wrong background. The blame is put on the victims for something irrelevant (short skirt, black skin, ex political criminal background) instead of just admitting to being afraid and discriminatory. These ideals are not what ICANN claim to stand for. They are not what a monopoly controlling the central structure of the global internet should stand for. This is not how that organisation should behave. With a monopoly, with power, comes responsibility. That responsibility includes not judging people in advance for what they can't even do. The responsibility does however include to actually be broad in participation.

I hereby request that the denial of my application is reversed.

Regards,
Peter Sunde Kolmisoppi

If attachment included, link will be listed below. 

[REDACTED]