



# Amending the New gTLD Registry Agreement

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## ⦿ **Registries Stakeholder Group – Working Group Panel**

- Jon Nevett, Donuts
- Susan Payne, Valideus
- Rubens Kuhl, NIC.br

## ⦿ **ICANN Panel**

- Krista Papac: Director, Registry Services & Engagement
- Francisco Arias: Director, Technical Services

## ⦿ **Webinar Moderator**

- Linett Nardone: Registry Services & Engagement Manager, ICANN

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# **Background: The Amendment Process**



# How Did the Amendment Process Begin?

- ⦿ Section 7.7 of the Registry Agreement provides a mechanism for either ICANN or a Working Group appointed by the RySG to periodically propose amendments to the Agreement.
- ⦿ In July 2014, this process was initiated by the RySG. A set of proposed revisions were presented to ICANN. Per Section 7.7 of the Registry Agreement, ICANN and the Working Group exchanged sets of proposed revisions which they discussed during a period of negotiations.
- ⦿ ICANN and the Working Group conducted bilateral negotiations to address the proposed revisions. After 18 months of such negotiations, ICANN and the Working Group reached mutually acceptable proposed amendments to the Registry Agreement.

# Proposed Changes to the New gTLD Agreement

# What's Proposed to Change?

- ⦿ The proposed amendments clarified responsibilities and updated terms based on operational needs.
- ⦿ The proposed revisions were largely focused on technical corrections and clarifications. ICANN published a summary of changes on the public comment page to help the community better understand the details:  
<https://www.icann.org/en/system/files/files/summary-changes-registry-agreement-31may16-en.pdf>
- ⦿ The final revisions will be implemented using a Global Amendment, rather than restating existing Registry Agreements.
- ⦿ Newly contracted gTLDs will sign a fully amended Registry Agreement.

# Some of the Proposed Changes Include:

- ⦿ **Section 2.4 – Monthly Reporting:** Provides Registry Operator with flexibility to defer the first month's report if delegation occurs during the second half of a month. Also clarifies that Registry Operator will include domain names created during pre-delegation testing in the monthly report if the names have not been deleted at the time of delegation.
- ⦿ **Section 2.9 – Registrars:** Proposed revision is to clarify, under this form of Registry Agreement, ICANN does not approve pricing changes.
- ⦿ **Section 5.2 – Arbitration:** Proposed revisions specify the manner in which arbitrators will be selected for arbitration proceedings arising under the Registry Agreement.
- ⦿ **Section 6.7 - Fee Reduction Waiver:** Proposed revisions provide that ICANN may determine to reduce the fees payable by Registry Operator under the Registry Agreement. Under the provision, ICANN would retain discretion to determine whether a reduction in fees is appropriate, including the terms of any such reduction.



- ⦿ **Section 7.5(f) - Change of Control; Assignment and Subcontracting:**  
Proposed revision creates a new defined term, “Affiliated Assignee,” which has the effect of facilitating reorganizations by Registry Operator without triggering a consent right of ICANN. Additionally, the revision also clarifies that the Affiliated Assignee’s assumption of the obligations under the Registry Agreement must be made in writing.
  
- ⦿ **Exhibit A – Approved Services:** Proposed revisions are as follows:
  - Items 1.1.1-1.1.5 to reflect ICANN’s current practice for describing DNS Service in existing Exhibit A
  - Items 1.1.6, 1.1.7 and 1.2 added clarification to the DNS classes permissible and added permission to use TXT and TYPE65534 records in some circumstances
  
- ⦿ **Specification 3** – Proposed revisions clarify fields in transaction and activity reports
  
- ⦿ **Specification 4, 2.1.5 – Use of Data by User:** Proposed revisions reflect harmonization of provision with the CZDS terms of service.

# Some of the Proposed Changes Include:

- ⦿ **Specification 6, 1.4 – IDN:** Proposed revision is intended to capture a circumstance where the provisions of Exhibit A may conflict with ICANN IDN Guidelines in the future, and provide priority to the ICANN IDN Guidelines.
- ⦿ **Specification 7, Section 1 – Rights Protection Mechanisms:** Proposed revisions clarify that Registry Operator must enter into a Registry-Registrar Agreement with at least one ICANN accredited registrar, and specify the timing related thereto.
- ⦿ **Specification 13:** Proposed revision made in response to requests by .BRAND TLD operators, and provides that global amendments (i.e. amendments approved pursuant to Section 7.6 or 7.7 of the registry agreements) cannot amend the provisions of Specification 13 unless such amendments are approved by .BRAND TLD registry operators.

# Public Comment Period

# You Have a Voice - Be Heard!

- ⦿ On 31 May 2016, ICANN notified all Registry Operators that the public comment period for the proposed amendment was open.
- ⦿ Section 7.7 of the Registry Agreement states the proposed amendment will be published for a minimum of 30 days, however ICANN has extended that period to 43 days.
- ⦿ Once the public comment period ends, ICANN and the RySG Working Group will consider the comments submitted and then submit a final proposal to all Registry Operators and the ICANN Board for a vote. Please note that comments received which do not pertain to the proposed amendments will not be considered.
- ⦿ If the amendment receives ICANN Board approval and Registry Operator Approval, it will become effective 60 days after ICANN sends legal notice to Registry Operators.
- ⦿ All members of the ICANN community are invited and encouraged to provide feedback.
- ⦿ **Public comment period ends 13 July 2016.** Submit your comments:  
<https://www.icann.org/public-comments/proposed-amend-new-gtld-agreement-2016-05-31-en>



# Milestones

# Dates to Remember



Public Comment Period Opened – 31 May 2016



Public Comment Period Ends – 13 July 2016



Public Comment Report Anticipated Publication – 12 August 2016



Request to Registry Operators for Voting/Approval – TBD



Approval Request to ICANN Board – TBD



Once approved by ICANN Board and Registry Operators, amendment becomes effective upon 60 days notice from ICANN

# Helpful Links

# Helpful Links

Public Comment  
Announcement

<https://www.icann.org/public-comments/proposed-amend-new-gtld-agreement-2016-05-31-en>

Approved Base  
Agreement

<https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-09jan14-en.htm>

Proposed Global  
Amendment

<https://www.icann.org/en/system/files/files/draft-registry-agreement-global-amendment-31may16-en.pdf>

Cumulative  
Redlines of RA

<https://www.icann.org/en/system/files/files/draft-registry-agreement-amended-redline-31may16-en.pdf>

Summary of  
Changes

<https://www.icann.org/en/system/files/files/summary-changes-registry-agreement-31may16-en.pdf>

Blog Post

<https://www.icann.org/news/blog/amending-the-new-gtld-registry-agreement>



# Questions & Answers

# Engage with ICANN



## Thank You and Questions

Reach us at:

Email: [globalsupport@icann.org](mailto:globalsupport@icann.org)

Website: [icann.org](http://icann.org)



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