



The Internet Corporation for Assigned Names and Numbers

04 May 2016

ICANN Preliminary Determination

Re: Notice of Registry Agreement Termination by ICANN - .kyknet

On 04 May 2016, ICANN notified Electronic Media Network (Pty) Ltd of its intent to terminate the .kyknet Registry Agreement entered into on 05 March 2015. Pursuant to section 4.3(b) of the Registry Agreement, *ICANN may, upon notice to Registry Operator, terminate this Agreement if Registry Operator fails to complete all testing and procedures for delegation of the TLD into the root zone within twelve (12) months of the Effective Date.*

Pursuant to the terms of section 4.5 of the Registry Agreement, ICANN consulted with Registry Operator and subject to an on-going evaluation, ICANN has made a preliminary determination that operation of the .kyknet TLD need not be transitioned to a successor Registry Operator. ICANN's review and determinations regarding transition to a successor registry operator are subject to the following criteria from section 4.5 of the Registry Agreement, as applicable:

- (i) ICANN will take into consideration any intellectual property rights of Registry Operator (as communicated to ICANN by Registry Operator) in determining whether to transition operation of the TLD to a successor registry operator

AND

- (ii) Registry Operator demonstrates to ICANN's reasonable satisfaction that
 - A. All domain name registrations in the TLD are registered to, and maintained by, Registry Operator or its Affiliates for their exclusive use,
 - B. Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator, and
 - C. Transitioning operation of the TLD is not necessary to protect the public interest.

Pursuant to Specification 13 guidelines, given that the .kyknet TLD is qualified as a .Brand TLD by ICANN on the date that the Agreement expires or terminates (the "Expiration Date"), ICANN will not delegate the TLD to a successor registry operator for a period of two years following the Expiration Date.

ICANN's preliminary determination is based on the following rationale:

- Registry Operator has represented to ICANN that it holds intellectual property rights for the name "kyknet".
- .kyknet qualifies as a .Brand TLD.
- The .kyknet TLD has not been delegated into the rootzone, and there are zero (0) domain names registered in the TLD.

Before releasing its final determination, ICANN will consider input provided by interested parties via email at ra-termination-comments@icann.org. The deadline to submit input is 04 June 2016 23:59 UTC.

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