



Los Angeles Headquarters

12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
USA

+1 310 301 5800

+1 310 823 8649

Registry Services Evaluation Policy (RSEP) Request

November 06, 2023

Registry Operator

PhysBiz Pty Ltd

Request Details

Case Number: 01265493

This Registry Services Evaluation Policy (RSEP) request form should be submitted for review by ICANN org when a registry operator is adding, modifying, or removing a Registry Service for a TLD or group of TLDs.

The RSEP Process webpage provides additional information about the process and lists RSEP requests that have been reviewed and/or approved by ICANN org. If you are proposing a service that was previously approved, we encourage you to respond similarly to the most recently approved request(s) to facilitate ICANN org's review.

Certain known Registry Services are identified in the Naming Services portal (NSp) case type list under "RSEP Fast Track" (example: "RSEP Fast Track – BTAPPA"). If you would like to submit a request for one of these services, please exit this case and select the specific Fast Track case type. Unless the service is identified under RSEP Fast Track, all other RSEP requests should be submitted through this form.

1. PROPOSED SERVICE DESCRIPTION

1.1. Name of proposed service.

Label Blocking Service

1.2. Provide a general description of the proposed service including the impact to external users and how it will be offered.

Registry Operator would like to provide a Label Blocking Service for its TLD, which provides additional protection to rights holders by allowing rights holders to block second-level labels from registration in the TLD that are related to the holders' rights. Right holders may use a registered trademark, unregistered trademark, company name or celebrity name as the basis for their blocking request. Approval from the applicable block holder may be required for a third party with the same trademark or other right to register the blocked label, or to unblock a label for registration.

1.3. Provide a technical description of the proposed service.

The service will allow rights holders to block certain labels from registration. The blocked labels must comply with the provisions described in Specification 5, Section 3.3 of the Registry Agreement. Labels blocked by the service will be either an exact match of a label or will contain an exact match or variant of such labels. Rights will be verified prior to blocking requests being accepted. Rights will be verified based on the type of right that forms the basis for the request. This may include the TMCH SMD file, copy of trademark registration, Articles of Incorporation/Articles of Association, company registration documentation, and any other evidence that supports the application.

1.4. If this proposed service has already been approved by ICANN org, identify and provide a link to the RSEP request for the same service that was most recently approved.

<https://www.icann.org/en/system/files/files/rsep-2023021-compare-et-al-request-08may23-en.pdf>

1.5. Describe the benefits of the proposed service and who would benefit from the proposed service.

Adding the service will be beneficial to rights holder participants, as it will enable participants to block a set of labels in the TLD, thereby preventing third parties from registering such labels.

1.6. Describe the timeline for implementation of the proposed service.

Immediate upon approval from ICANN.

1.7. If additional information should be considered with the description of the proposed service, attach one or more file(s) below.

1.8. If the proposed service adds or modifies Internationalized Domain Name (IDN) languages or scripts that have already been approved in another RSEP request or are considered pre-approved by ICANN org, provide (a) a reference to the RSEP request, TLD(s), and IDN table(s) that were already approved or (b) a link to the pre-approved Reference Label Generation Rules (LGR). Otherwise, indicate “not applicable.”

N/A

2. SECURITY AND STABILITY

2.1. What effect, if any, will the proposed service have on the life cycle of domain names?

None.

2.2. Does the proposed service alter the storage and input of Registry Data?

No.

2.3. Explain how the proposed service will affect the throughput, response time, consistency or coherence of responses to Internet servers or end systems.

It won't.

2.4. Have technical concerns been raised about the proposed service? If so, identify the concerns and describe how you intend to address those concerns.

No.

2.5. Describe the quality assurance plan and/or testing of the proposed service prior to deployment.

N/A.

2.6. Identify and list any relevant RFCs or White Papers on the proposed service and explain how those papers are relevant.

N/A

3. COMPETITION

3.1. Do you believe the proposed service would have any positive or negative effects on competition? If so, please explain.

No.

3.2. How would you define the markets in which the proposed service would compete?

Participants with intellectual property rights in relevant labels.

3.3. What companies/entities provide services or products that are similar in substance or effect to the proposed service?

Many Registry Operators offer and participate in programs that permit the blocking of labels that either contain or match a participant's label (e.g. Donuts DPML).

3.4. In view of your status as a Registry Operator, would the introduction of the proposed service potentially affect the ability of other companies/entities that provide similar products or services to compete?

No.

3.5. Do you propose to work with a vendor or contractor to provide the proposed service? If so, what is the name of the vendor/contractor and describe the nature of the services the vendor/contractor would provide.

The Registry Operator's service provider will support the implementation of the service.

3.6. Have you communicated with any of the entities whose products or services might be affected by the introduction of your proposed service? If so, please describe the communications.

Yes. We have had meetings with the corporate registrars that we anticipate would offer the service.

The Registry Operator undertook discussions with several registrars, both those serving the trademark community and those serving the general public. These discussions were undertaken by email, by phone, and in person.

The purpose of those discussions was to determine the viability and potential demand for such a service, how it might best be implemented, and if there were any likely unintended consequences that had not been foreseen by the Registry Operator.

The consulted registrars were supportive of the service offering. The Label Blocking Service described herein are the result of these discussions.

3.7. If you have any documents that address the possible effects on competition of the proposed service, attach them below. ICANN will keep the documents confidential.

4. CONTRACTUAL PROVISIONS

4.1. List the relevant contractual provisions impacted by the proposed service. This includes, but is not limited to, Consensus Policies, previously approved amendments or services, Reserved Names, and Rights Protection Mechanisms.

Exhibit A of the Registry Agreement would be amended.

4.2. What effect, if any, will the proposed service have on the reporting of data to ICANN?

None

4.3. What effect, if any, will the proposed service have on Registration Data Directory Service (RDDS)?*

None.

4.4. What effect, if any, will the proposed service have on the price of a domain name registration?

None.

4.5. Will the proposed service result in a change to a Material Subcontracting Arrangement (MSA) as defined by the Registry Agreement? If so, identify and describe the change. Please note that a change to an MSA requires consent from ICANN org through the MSA change request process. The RSEP request must be approved prior to submitting the MSA change request.

No.

5. AUTHORIZATION LANGUAGE

5.1. A Registry Agreement (RA) amendment is required when the proposed service: (i) contradicts existing provisions in the RA or (ii) is not contemplated in the RA and, therefore, needs to be added to Exhibit A of the RA and/or as an appropriate addendum/appendix. If applicable, provide draft language (or a link to previously approved RA amendment language) describing the service to be used in an RA amendment if the proposed service is approved. If an RA amendment is not applicable, respond with “N/A” and provide a complete response to question 5.2.*

For examples or for IDN services, you may refer to the webpage for standard RA template amendments for commonly requested Registry Services.

Add new section to Exhibit A:

X. Label Blocking Service

Label Blocking is a service that allows rights holders to block certain labels from registration. The blocked domain names must comply with the provisions described in Specification 5, Section 3.3 of the Registry Agreement.

Domain names blocked by the Label Blocking Service will be either an exact match of a label or will contain an exact match of such labels, or may include domain names that are a misspelling of, or contain a misspelling of a label. Where two or more parties have verified rights for the same label or string, and one party wishes to unblock the label to register an associated domain name, approval will be required from the other rights holder(s).

5.2. If the proposed service is permissible under an existing provision in the Registry Agreement, identify the provision and provide rationale. If not applicable, respond with “N/A” and provide a complete response to question 5.1.

N/A

6. CONSULTATION

6.1. ICANN org encourages you to set up a consultation call through your Engagement Manager prior to submitting this RSEP request. This is to help ensure that necessary information is assembled ahead of time.

Identify if and when you had a consultation call with ICANN org. If you did not request a consultation call, provide rationale.

N/A - This type of service has been approved for numerous other Registry Operators.

6.2. Describe your consultations with the community, experts, and/or others. This can include, but is not limited to, the relevant community for a sponsored or community TLD, registrars or the registrar constituency, end users and/or registrants, or other constituency groups. What were the quantity, nature, and results of the consultations? How will the proposed service impact these groups? Which groups support or oppose this proposed service?

The Registry Operator has had extensive discussions with trademark and brand registrars who participate in various constituency groups within ICANN, and extensive conversations with other registry service providers who participate in the Registry Stakeholder Group.

Notably, we consulted with experts who were instrumental in implementing similar services on behalf of other Registry Operators and guided us in our implementation through conversations and writing.

7. OTHER

7.1. Would there be any intellectual property impact or considerations raised by the proposed service?

No.

7.2. Does the proposed service contain intellectual property exclusive to your gTLD registry?

No.

7.3. Provide any other relevant information to include with the request. If none, respond with “N/A.”

N/A

7.4. If additional information should be considered, attach one or more file(s) below.

Affected TLDs

Current Registry Operator	Top Level Domain	Registry Agreement Date
PhysBiz Pty Ltd	.physio	2014-05-01