

### 4.3.3 Registrant Protections

- 4.3.3.1 Explanation of Subject

Principle D states that:

*A set of technical criteria must be used for assessing a new gTLD registry applicant to minimise the risk of harming the operational stability, security and global interoperability of the Internet.*

And in the attachment to Module 2 in the AGB<sup>1</sup>, it states:

*Registrant protection is emphasized in both the criteria and the scoring. Examples of this include asking the applicant to:*

- *Plan for the occurrence of contingencies and registry failure by putting in place financial resources to fund the ongoing resolution of names while a replacement operator is found or extended notice can be given to registrants,*
- *Demonstrate a capability to understand and plan for business contingencies to afford some protections through the marketplace,*
- *Adhere to DNS stability and security requirements as described in the technical section, and*
- *Provide access to the widest variety of services.*

The technical evaluation requirements included several questions related to registry failure protections, such as registry continuity, registry transition, and failover testing. In addition, there were program elements like the Continuing Operations Instrument (COI) in Question 50 of the evaluation criteria and Specification 8 of the base agreement and the Emergency Back-end Registry Operator (EBERO) as additional registrant protection measures.

- 4.3.3.2 Questions and Concerns Related to Subject

While there were no objections raised to registrant protections in the general sense, there was a concern raised by the DG that registrant protections could be considered unnecessary when there are no registrants in the registry, outside of the registry itself, that presumably would not require protections, as the case may be for .Brand or other possible closed or exclusive use registries. This subject may warrant consideration during wider discussions around application types.

As written, the AGB appears to have assumed that there would always be registrants that may require protection in the event of registry failure. A possible PDP-WG on New gTLD Subsequent Procedures may want to consider if there are practical changes that can be made to account for

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<sup>1</sup> Ibid

circumstances where there may be no registrants that require protections. The development of a separate standard in certain specified cases may be warranted.

- *4.3.3.3 Relevant Guidance*
  - Principle D
  - Attachment to Module 2 in the AGB

- *4.3.3.4 Rationale for Policy Development*

Registrant protections are an important aspect of the program and determining if they are unneeded in certain circumstances should be carefully considered. As such, a potential PDP-WG on New gTLD Subsequent Procedures may want to consider policy development in establishing the requirements where exceptions may be applicable.