

At-Large Proposed Renewal of .TEL Registry Agreement Workspace

Comment Close Date	Statement Name	Status	Assignee (s)	Call for Comments Open	Call for Comments Close	Vote Open	Vote Close	Date of Submission	Staff Contact and Email	Statement Number
2016/09/13	Proposed Renewal of .TEL Registry Agreement	TBC	TBC	TBC	TBC	TBC	TBC	TBC	Krista Papac krista.papac@icann.org	TBC

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Brief Overview

Purpose: ICANN is posting for public comment the proposed agreement for renewal of the 2006 Registry Agreement for .TEL. This proposal is a result of bilateral negotiations between ICANN and Telnic Limited.

Current Status: As per Article 4.2 of the .TEL Registry Agreement, .TEL Registry Agreement shall be renewed upon the expiration of the initial term set forth in Article 4.1 of the agreement. Currently, the .TEL Registry Agreement will expire on 1 March 2017.

Next Steps: After the public comment period has concluded, the proposed agreement will be considered for execution, in light of the summary and analysis of the comments.

Section I: Description, Explanation, and Purpose

ICANN is posting for public comment the proposed agreement for renewal of the 2006 Registry Agreement for .TEL which is set to expire on 1 March 2017. The renewal proposal is a result of discussions between ICANN and Telnic Limited (the Registry Operator for the .TEL TLD).

As discussed and agreed to by ICANN and Telnic Limited, the renewal agreement is based on the [approved new gTLD Registry Agreement as updated on 9 January 2014](#). However, in order to account for the specific nature of the .TEL TLD, relevant provisions in the [30 May 2006 Sponsored TLD Registry Agreement](#) have been carried over to this renewal agreement.

As a result, the proposed renewal agreement for .TEL is similar to the terms of a Registry Agreement for a new gTLD, except for the following provisions:

- **Protection of Legal Rights of Third Parties (section 2.8 and Specification 7):** processes and procedures for the launch of the TLD and initial registrations will not apply as the .TEL TLD has been in operation since 2005.
- **Continued Operation Instrument (section 2.12 and Specification 8):** this requirement will not apply to the .TEL TLD which has been and remained in continuous operations for at least 6 years prior to the anticipated effective date of the renewal agreement. As a result, provisions in section 4.3 (b) and (c) (*Termination by ICANN*) is not applicable to the .TEL TLD either.
- **Pass Through Fees related to the Trademark Clearinghouse (section 6.4):** consistently with the above provision on the protection of legal rights, .TEL will not be subject to the payment of the Trademark Clearinghouse related fees.
- **Approved Services (Exhibit A):** In addition to the common descriptions of the DNS, Anti-Abuse Services, and Whois Contact Lookup, the Approved services for .TEL includes a 270-day implementation grace period to allow sufficient time for Telnic Limited to complete the transition of its technical operations to meet all the requirement of the proposed renewal agreement. The Approved Services for .TEL includes "Bulk Transfer After Partial Portfolio Acquisition (BTAPPA)" which was incorporated to the .TEL Registry Agreement on 25 February 2016 as Amendment No.5 and also (i) Registry Controlled DNS Records Service (ii) Domain data change notifications, (iii) Whois private contact information opt-out for Individuals (iv) Special Access Service (v) Additional RDDS Data Fields. Additionally, Approved Services for .TEL includes Internationalized Domain Names (IDNs).
- **Schedule of Reserved Names (Specification 5):** the proposed renewal registry agreement reflects the current provisions in Amendment 3 (dated 17 November 2010) regarding the changes in Appendix 6 (Schedule of Reserved Names) permitting the registry operator to allocate previously reserved one- and two-character names through ICANN-accredited registrars via a Phased Allocation Program. On the other hand, all single-character numerical labels are reserved at the second level. Additionally, the provision on the Registry Operator's use of up to 100 names for the operation and promotion of the TLD (Section 3.2) and the provisions on activation of names relating to International Olympic Committee; International Red Cross and Red Crescent Movement (Section 3.5) and names relating to Intergovernmental Organizations (Section 3.6) are not included in the proposed renewal registry agreement.
- **Registry Interoperability and Continuity (section 2.7 and Specification 6):** Section 6 of Specification 6 (Name Collision Occurrence Management) will not apply to .TEL TLD since it has been in operation since 2006.
- **Minimum Requirements for Rights Protection Mechanisms (Specification 7):** the .TEL TLD will neither be subject to RPMs set forth in the Trademark Clearinghouse and nor to the Registry Restrictions Dispute Resolution Procedure (RRDRP) which was designed specifically for community TLDs under the New gTLD program.
- **Public Interest Commitments (Specification 11):** The existing Registration Restrictions in Appendix S of the .TEL Agreement are proposed to be removed and replaced with the set of standard public interest commitments applicable to all new gTLDs with the exception of removal of the provision that requires RO to comply with any public commitments set forth in RO's application.
- **Community Registration Policies (Specification 12):** As part of the adaptation needed to carry over the Sponsored TLD Policies of .TEL to the proposed renewal agreement, Specification 12 incorporates the language of the original [Appendix S](#) (applicable under the current .TEL TLD Agreement) with the following modifications:
 - Part IV of Appendix S ("Start-Up Plan") was not included in the proposed renewal agreement as it is no longer relevant.
 - Part VI of Appendix S ("Public Whois Specification") was not included in Specification 12 because it is now incorporated to Approved Services (Exhibit A)
 - This section removes the requirement that the Registry control the name servers of delegated domain names, and the restriction that registrants cannot define the contents of the zone for their domain names; and
- **Misc. Provisions:** Various other terms and conditions have been modified, at the request of the registry operator and after negotiation, to align with terms of the previous .TEL Sponsored TLD Agreement or to clarify rights previously afforded to .TEL.

In connection with the renewal of the legacy .TEL registry agreement, the TLD is transitioning to the base gTLD registry agreement. At this time, ICANN and the Registry Operator have agreed to implement the incorporation of terms unique to a legacy TLD, such as .TEL, through an "Addendum" to the Registry Agreement. The Addendum will amend the terms of the .TEL registry agreement. Where the Addendum states that a provision will have "no force or effect", it means that the identified provision will not be read as part of the .TEL registry agreement. The terms of the Addendum will not be affected by future global amendments under Section 7.6 or 7.7 of the existing new gTLD registry agreement, which will enable future global amendments to proceed while preserving the unique terms applicable to the legacy TLD.

Posted for public comment are both clean and "redline" versions of the agreement, and the proposed Addendum to the Registry Agreement as follows:

- [Proposed Renewal Registry Agreement](#) [PDF, 655 KB]
- [Redline showing changes compared to the approved base New gTLD Agreement](#) [PDF, 732 KB]
- [Proposed Addendum to the Registry Agreement](#) [PDF, 68 KB]

Contractual Compliance Review: As part of the renewal process, ICANN conducted a review of contractual compliance under the .TEL Registry Agreement. Telnic Limited was found to be in substantial compliance with their contractual requirements.

Section II: Background

ICANN and Telnic Limited entered into a Sponsored TLD Registry Agreement on 30 May 2006 for operation of the .TEL top level domain. Based on this Registry Agreement, the effective date of the agreement is the delegation date of .TEL TLD, which is 2 March 2007. The current agreement for .TEL, which will expire on 1 March 2017, may be viewed at: <https://www.icann.org/resources/unthemed-pages/tel-2012-02-25-en>.

Similarly, in 2015, registry agreements of several "legacy" gTLDs, namely .JOBS, .TRAVEL, .CAT and .PRO Registry Agreements, were renewed based on the new gTLD Registry Agreement as a result of bilateral negotiations between ICANN and the related Registry Operator. These renewed agreements can be viewed at: <https://www.icann.org/resources/pages/registries/registries-agreements-en>.

Section III: Relevant Resources

- Current .TEL Registry Agreement and Appendices: <https://www.icann.org/resources/unthemed-pages/tel-2012-02-25-en>
- Approved base New gTLD Registry Agreement (as updated on 9 January 2014): <http://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-09jan14-en.htm>

Section IV: Additional Information

Section V: Reports

Staff Contact

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FINAL VERSION TO BE SUBMITTED IF RATIFIED

The final version to be submitted, if the draft is ratified, will be placed here by upon completion of the vote.

FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

The final draft version to be voted upon by the ALAC will be placed here before the vote is to begin.

FIRST DRAFT SUBMITTED

The first draft submitted will be placed here before the call for comments begins.