

At-Large Proposed Renewal of .PRO Unsponsored 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
07.07.2015	Proposed Renewal of .PRO Unsponsored Registry Agreement	No Statement	n/a	n/a	n/a	n/a	n/a	n/a	Krista Papac krista.papac@icann.org	n/a

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Brief Overview

ICANN is posting for public comment the proposed agreement for renewal of the 2010 Registry Agreement for .PRO. This proposal is a result of discussions between ICANN and Registry Services Corporation.

Section I: Description, Explanation, and Purpose

ICANN is posting for public comment the proposed agreement for renewal of the 2010 Registry Agreement for .PRO which was originally set to expire on 22 April 2015. The agreement was extended an additional 90 days by amendment dated 24 April 2015. The renewal proposal is a result of discussions between ICANN and Registry Services Corporation (the Registry Operator for the .PRO TLD).

With a view to increase the consistency of registry agreements across all gTLDs, ICANN has proposed that the renewal agreement be 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 .PROTLD, relevant provisions in the [22 April 2010 Un-sponsored TLD Registry Agreement](#) have been carried over to this renewal agreement.

As a result, the proposed renewal agreement for .PRO is similar to the terms of a Registry Agreement for a new gTLD (which is not operated by an intergovernmental organization of a government entity), 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 .PRO TLD has been in operation since 2002.
- **Registrars (section 2.9 (a)):** the renewal agreement would require the registry operator amend its Registry-Registrar Agreement to require registrars to use the 2013 Registrar Accreditation Agreement if registrars representing 67% of the registrations in the TLD sign the 2013 RAA. If the remaining registrars do not sign the amended Registry-Registrar Agreement within a certain time period, then the registrars' access to the TLD registry system will be suspended (that is, those registrars will not be permitted to add new registrations or initiate inbound transfers).
- **Continued Operation Instrument (section 2.12 and Specification 8):** this requirement will not apply to the .PRO TLD which has been and remained in continuous operations for at least 6 years prior to the anticipated effective date of the renewal agreement.
- **Approved Services (Exhibit A):** in addition to the common descriptions of the DNS, Anti-Abuse Services, and Whois Contact Lookup, the Approved services for .PRO includes a 270-day implementation grace period to allow sufficient time for Registry Services Corporation to complete the transition of its technical operations to meet all the requirement of the proposed renewal agreement. The Approved Services for .PRO also includes "Bulk Transfer After Partial Portfolio Acquisition (BTAPPA)" which was incorporated to the .PRO Registry Agreement on 25 April 2014 as Amendment No.2.
- **Schedule of Reserved Names (Specification 5):** the proposed renewal registry agreement reflects the current provisions in Appendix 6 (List of Reserved TLD Strings) permitting the registry operator to allocate previously reserved single-, two- and three-character labels in the TLD through ICANN-accredited registrars via a Phased Allocation Program. Additionally, the provision on the Registry Operator's use of up to 100 names for the operation and promotion of the TLD is not included in the proposed renewal registry agreement.
- **Registry Interoperability and Continuity (Specification 6):** Section 6 of Specification 6 (Name Collision Occurrence Management) will not apply to .PRO TLD since it has been in operation since 2002.
- **Minimum Requirements for Rights Protection Mechanisms (Specification 7):** the .PROTLD 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. Additionally, .PRO will not be subject to the payment of the Trademark Clearinghouse related fees (section 6.4).
- **Public Interest Commitments to replace Appendix 11 Registration Restrictions (Specification 11):** The existing Registration Restrictions in Appendix 11 of the .PRO Agreement are proposed to be removed and replaced with the set of standard public interest commitments applicable to all new gTLDs. Also, GAC Category 1 Safeguards 1 through 3 are added to Specification 11 to align with the removal of the TLDs previously included Registration Restrictions of Appendix 11.
- **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 .PRO Un-sponsored TLD Agreement or to clarify rights previously afforded to .PRO.

Posted for public comment are both clean and "redline" versions of the agreement and modified appendices as follows:

- [Proposed Renewal Registry Agreement](#) [PDF, 586 KB]
- [Redline showing changes compared to the approved base New gTLD Agreement](#) [PDF, 716 KB]

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

Section II: Background

ICANN and RegistryPro, Inc. (now known as Registry Services Corporation), entered into an Un-sponsored TLD Registry Agreement on 22 April 2010 for operation of the .PRO top level domain. The agreement has been extended 90 more days with an amendment dated 24 April 2015. The current agreement for .PRO, which will expire on 21 July 2015, may be viewed at: <https://www.icann.org/resources/unthemed-pages/pro-2012-02-25-en>

Section III: Relevant Resources

- Current .PRO Registry Agreement and Appendices: <https://www.icann.org/resources/unthemed-pages/pro-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

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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.