

At-Large Workspace: Proposed Renewal of .org Registry Agreement

Public Comment Close	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
02 May 2019	Proposed Renewal of .org Registry Agreement Note: Extension for submission granted to 02 May, immediately after CPWG meeting. See ALAC Statement on Registry Agreements .	Other - Statement now being considered under a new wiki workspace: ALAC Statement on Registry Agreement Renewals .org, .biz and .info							Russ Weinstein globalsupport@icann.org	

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Brief Overview

Purpose: The purpose of this public comment proceeding is to obtain community input on the .org renewal agreement. The proposed .org renewal agreement is the result of discussions between ICANN and Public Interest Registry, a Pennsylvania non-profit corporation – the Registry Operator for the .org top-level domain (TLD).

Current Status: The current .org Registry Agreement (herein referred to as "current .org agreement") will expire on 30 June 2019. Section 4.2 of the current .org agreement provides that it shall be renewed upon the expiration of the initial term set forth in Section 4.1.

Next Steps: Following review of the public comments received, ICANN will prepare and publish a summary and analysis of the comments received. The report will be available for the ICANN Board in its consideration of the proposed .org renewal agreement.

Section I: Description and Explanation

The .org renewal agreement is based on the [base generic top level domain \(gTLD\) Registry Agreement](#) updated on 31 July 2017 (herein referred to as "base registry agreement"). However, in order to account for the specific nature of the .org TLD, relevant provisions in the [current .org agreement](#) have been carried over to the .org renewal agreement.

As a result, the .org renewal agreement is substantially similar to the terms of the base registry agreement. Listed below are summaries of both a) provisions in the renewal agreement that are materially different from the current .org agreement, and b) material differences between the .org renewal agreement and the base registry agreement.

1. Provisions in the proposed .org renewal agreement that are materially different from the current .org registry agreement:

- **Approved Services (Exhibit A):** Consistent with all new gTLDs and other "legacy" TLD registry agreement renewals, Exhibit A has been modified to include the following additional or modified approved services: Anti-Abuse, Searchable Whois, Internationalized Domain Names (IDNs), .org Single and Two-Character Phased Allocation Program, Bulk Transfer After Partial Portfolio Acquisition (BTAPPA), Registry Lock, and an implementation period of 270 calendar days to transition all systems to the requirements of the .org renewal agreement, which is consistent with other legacy TLD registry agreement renewals.
- **Protection of Legal Rights of Third Parties and Minimum Requirements for Rights Protection Mechanisms (Section 2.8 and Specification 7 of the proposed renewal agreement):** To better conform with the base registry agreement, the .org renewal agreement will be subject to the Rights Protection Mechanisms (RPM) set forth in section 2 of Specification 7, including the Uniform Rapid Suspension (URS) system, the Trademark Post-Delegation Dispute Resolution Procedure (PDDRP), and the Registration Restrictions Dispute Resolution Procedure (RRDRP). Public Interest Registry is also authorized to develop additional rights protection mechanisms. Section 2.8 of the .org renewal agreement also does not contemplate processes and procedures for launch of the TLD as is consistent with other legacy TLD registry agreement renewals.
- **Public Interest Commitments (Section 2.17 and Specification 11 of the proposed renewal agreement):** The Registry Operator has adopted the public interest commitments and applicability of the Public Interest Commitments Dispute Resolution Process (PICDRP) comparable to new gTLD operators (with the exception of Specification 11 Section 2, which refers to the initial application for the gTLD).
- **Pricing for Domain Name Registrations and Registry Services (Section 2.10 of the proposed renewal agreement):** In alignment with the base registry agreement, the price cap provisions in the current .org agreement, which limited the price of registrations and allowable price increases for registrations, are removed from the .org renewal agreement. Protections for existing registrants will remain in place, in line with the base registry agreement. This change will not only allow the .org renewal agreement to better conform with the base registry agreement, but also takes into consideration the maturation of the domain name market and the goal of treating the Registry Operator equitably with registry operators of new gTLDs and other legacy gTLDs utilizing the base registry agreement.
- **Fees to be paid to ICANN org (Section 6.1 of the proposed renewal agreement):** The .org renewal agreement has been modified to match the fee provisions in the base registry agreement. Accordingly, the registry fixed fee of \$6,250 per calendar quarter is proposed for the .org TLD beginning on the .org renewal agreement effective date. The registry-level transaction fee remains at \$0.25 for each annual increment of an initial or renewal domain name registration.
- **Misc. Provisions:** Various other provisions have been modified, at the request of the Registry Operator and after bilateral negotiations with Registry Operator, to align with terms previously included in the current .org agreement.

2. Material differences between the proposed renewal agreement for .org and the base gTLD Registry Agreement:

- **Registry Interoperability and Continuity (Section 2.7 and Specification 6 of the base gTLD Registry Agreement):** Section 6 of Specification 6 of the base gTLD registry agreement (Name Collision Occurrence Management) will not apply to the .org TLD as it has been in operation since 1985. This is consistent with other legacy TLD registry agreement renewals.
- **Emergency Transition (Section 2.13 and 2.14 of the proposed renewal agreement) and Continued Operations Instrument (Section 2.12 and Specification 8 of the base gTLD Registry Agreement):** In alignment with the base registry agreement, the .org renewal agreement will continue to incorporate the registrant protection provision allowing ICANN to designate an emergency interim registry operator if emergency thresholds for registry functions are reached. However, the Continued Operations Instrument requirement will not apply to the .org TLD as it has been in continuous operation since 1985. As a result, provisions in Section 4.3(b) and (c) of the base registry agreement (Termination by ICANN) are not applicable to the .org TLD and, therefore, not included. This is consistent with other legacy TLDs who have adopted the Emergency Transition provisions.
- **Pass Through Fees related to the Trademark Clearinghouse (Section 6.4 of the base gTLD Registry Agreement):** This requirement will not apply to the .org TLD as it has been in continuous operation since 1985. As a result, provisions in Section 6.4 of the base registry agreement are not applicable to the .org TLD and, therefore, are of no force of effect. This is consistent with other legacy TLD registry agreement renewals.
- **Schedule of Reserved Names (Specification 5 of the base gTLD Registry Agreement):** The .org renewal agreement amends Section 2 of Specification 5 (Two-Character ASCII Labels) allowing the Registry Operator to allocate two-character labels that were reserved in prior registry agreements. The allocation of two-character labels is subject to the Registration Policy and Post Registrations Complaint Investigation provisions in Appendix A of the Authorization for Release of Letter/Letter Two-Character ASCII Labels at The Second Level issued to all new gTLD registry operators on 13 December 2016. 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 5) and names relating to Intergovernmental Organizations Section 6) are of no force or effect in the .org renewal agreement.
- **Misc. Provisions:** Various other provisions have been modified to remove references to the initial delegation of the TLD, entry into the root zone, statements made in the registry TLD application, and launch of the TLD, as they are not applicable to a legacy TLD.

Posted for public comment are both clean and "redline" versions of the .org renewal agreement, and the Addendum to the Registry Agreement that is proposed to be executed by the parties as follows:

- [Proposed .org renewal agreement](#)
- [Redline showing changes compared to the base registry agreement](#)
- [Proposed addendum to the current.org agreement](#)

Contractual Compliance Review: As part of the renewal process, ICANN conducted a contractual compliance review of the current .org agreement. Public Interest Registry was found to be in compliance with its contractual requirements for the operation of the .org TLD.

Section II: Background

ICANN and Public Interest Registry, a Pennsylvania non-profit corporation, entered into a TLD Registry Agreement on [2 December 2002](#) for continued operation of the .org top level domain, which was subsequently renewed on [8 December 2006](#) and [22 August 2013](#).

In addition to the .org renewal agreement, the registry agreements of several "legacy" gTLDs, namely, .tel, .mobi, .jobs, .travel, .cat and .pro have been renewed based on the base registry agreement as a result of bilateral negotiations between ICANN and the applicable registry operators. These renewed agreements can be viewed at: <https://www.icann.org/resources/pages/registries/registries-agreements-en>.

Section III: Relevant Resources

- [Current .org Registry Agreement and Appendices](#)
- [Approved base New gTLD Registry Agreement \(as updated on 31 July 2017\)](#)

Section IV: Additional Information

Section V: Reports

FINAL VERSION 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.

DRAFT SUBMITTED FOR DISCUSSION

The first draft submitted will be placed here before the call for comments begins. The Draft should be preceded by the name of the person submitting the draft and the date/time. If, during the discussion, the draft is revised, the older version(S) should be left in place and the new version along with a header line identifying the drafter and date/time should be placed above the older version(s), separated by a Horizontal Rule (available + Insert More Content control).

*24 April 2019 - [Gregory Shatan](#)

ALAC Statement on the Proposed Renewal of the .ORG, .BIZ, .INFO and .ASIA Registry Agreements



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17 April 2019:



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