

At-Large Workspace: Proposed Renewal of .biz 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
14 May 2019	Proposed Renewal of .biz Registry Agreement	Other - Statement now being considered under a new wiki workspace: ALAC Statement on Registry Agreement Renewals .org, .biz and .info							Russ Weinstein, Danielle Gordon globalsupport@icann.org	

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Brief Overview

Purpose: The purpose of this public comment proceeding is to obtain community input on the proposed .biz renewal agreement. This renewal agreement is the result of bilateral discussions between ICANN org and Registry Services, LLC, the registry operator for the .biz top-level domain (TLD).

Current Status: The current .biz Registry Agreement (herein referred to as current .biz agreement) will expire on 30 June 2019. Section 4.2 of the current .biz 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 org will prepare and publish a summary and analysis of the comments. The report will be available for the ICANNBoard in its consideration of the proposed .biz renewal agreement.

Section I: Description and Explanation

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

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

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

- **Approved Services (Exhibit A):** Consistent with new gTLDs and other legacy TLD registry agreement renewals, Exhibit A has been updated to include the following additional or modified approved services: Bulk Transfer After Partial Portfolio Acquisition (BTAPPA), Internationalized Domain Names (IDNs), and an implementation period of 270 calendar days to transition all systems to the requirements of the .biz renewal agreement.
- **Protection of Legal Rights of Third Parties and Minimum Requirements for Rights Protection Mechanisms (Section 2.8 and Specification 7 of the .biz renewal agreement):** To better conform with the base registry agreement, the .biz renewal agreement will be subject to the Rights Protection Mechanisms (RPMs) 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 Restriction Dispute Resolution Procedure (RRDRP). Registry Services, LLC is also authorized to develop additional RPMs. Section 2.8 of the .biz 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 .biz renewal agreement):** The Registry Operator has adopted the public interest commitments and applicability of the Public Interest Commitment Dispute Resolution Procedure (PICDRP) comparable to new gTLD registry operators (except Specification 11, Section 2, which refers to the initial application for the gTLD).
- **Fees to be paid to ICANN org (Section 6.1 of the .biz renewal agreement):** The .biz renewal agreement has been modified to match the fee provisions in the base registry agreement. Accordingly, the registry fixed fee of US\$6,250 per calendar quarter is proposed for the .biz TLD, beginning on the effective date of the .biz renewal agreement. The registry-level transaction fee remains at \$0.25 for each annual increment of an initial or renewal domain name registration.
- **Registry Code of Conduct (Section 2.14 and Specification 9 of the .biz renewal agreement):** The Registry Operator has adopted the code of conduct in conformity with the base registry agreement.
- **Pricing for Domain Name Registrations and Registry Services (Section 2.10 of the .biz renewal agreement):** In alignment with the base registry agreement, the price cap provisions in the current .biz agreement, which limited the price of registrations and allowable price increases for registrations, are removed from the .biz renewal agreement. Protections for existing registrants will remain in place in line with the base registry agreement. This change will not only allow the .biz 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 operators of new gTLDs and other legacy gTLDs utilizing the base registry agreement.
- **Misc. Provisions:** Various other provisions have been modified, at the request of the registry operator and after bilateral negotiations, to align with terms previously included in the current .biz agreement.

2. Material differences between the .biz renewal agreement and the base registry agreement:

- **Registry Interoperability and Continuity (Section 2.7 and Specification 6 of the base registry agreement):** Section 6 of Specification 6 of the base registry agreement (Name Collision Occurrence Management) will not apply to the .biz TLD as it has been in operation since 2001. This is consistent with other legacy TLD registry agreement renewals.
- **Emergency Transition (Section 2.13 of the base registry agreement) and Continued Operations Instrument (Section 2.12 and Specification 8 of the base registry agreement):** In alignment with the base registry agreement, the .biz renewal agreement will continue to incorporate the registrant protection provision allowing ICANN org 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 .biz TLD as it has been in continuous operation since 2001. As a result, Section 4.3(c) of the base registry agreement (Termination by ICANN) is not applicable to the .biz TLD and, therefore, is of no force or effect. This is consistent with other legacy TLDs who have adopted the Emergency Transition provisions.
- **Traffic Data (Section 2.19 of the .biz renewal agreement):** The .biz renewal agreement will carry over the existing Traffic Data provision from the current .biz agreement. This provision permits the Registry Operator to use traffic data regarding domain names or non-existent domain names for purposes such as security and stability, pinpointing specific points of failure, characterizing attacks and misconfigurations, identifying compromised networks and hosts, and promoting the sale of domain names.
- **Pass Through Fees related to the Trademark Clearinghouse (Section 6.4 of the base registry agreement):** This requirement will not apply to the .biz TLD as it has been in continuous operation since 2001. As a result, Section 6.4 of the base registry agreement is not applicable to the .biz TLD and, therefore, is of no force or effect. This is consistent with other legacy TLD registry agreement renewals.
- **Schedule of Reserved Names (Specification 5 of the base registry agreement):** The .biz 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 Registration Complaint Investigation provisions, as stated 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 (Section 6) are of no force or effect in the proposed .biz 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 .biz renewal agreement, and the Addendum to the .biz renewal Agreement that is proposed to be executed by the parties as follows:

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

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

Section II: Background

ICANN org and NeuStar, Inc. entered into the current .biz agreement on [22 August 2013](#) for the operation of the .biz TLD. Effective 08 August 2017, the .biz TLD was assigned by NeuStar, Inc. to Registry Services, LLC, which now operates the .biz TLD.

In addition to the .biz 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 org 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 .biz 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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