

At-Large Workspace: Proposed Renewal of .asia 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
07 May 2019	Proposed Renewal of .asia Registry Agreement	ADOPTED 11Y, ON, 2A	Maureen Hilyard Holly Raiche	24 April 2019	26 April 2019	07 May 2019	11 May 2019	07 May 2019	Russ Weinstein Danielle Gordon	AL-ALAC-ST-0519-02-01-EN

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Brief Overview

Purpose: The purpose of this public comment proceeding is to obtain community input on the proposed renewal agreement for the 2006 .asia Registry Agreement (herein referred to as .asia renewal agreement). This renewal proposal is a result of bilateral discussions between ICANN and dotAsia Organisation Limited, the registry operator for the .asia top-level domain (TLD).

Current Status: The current .asia registry agreement (herein referred to as current .asia agreement) will expire on 25 March 2020 as indicated in [Amendment 7](#). Per Section 4.2 of the current .asia agreement, it shall be renewed upon the expiration of the term set forth in Section 4.1 and Amendment 7 of the current .asia agreement.

Next Steps: Following the public comment period, i.e. ICANN org 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 asia renewal agreement.

Section I: Description and Explanation

The .asia renewal agreement is based on the [base registry agreement](#) updated on 31 July 2017. However, in order to account for the specific nature of the .asia TLD, relevant provisions in the [6 December 2006 Sponsored TLD Registry Agreement](#) have been carried over to the .asia renewal agreement.

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

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

- **Approved Services (Exhibit A):** Consistent with all new gTLDs and other "legacy" TLD registry agreement renewals, Exhibit A has been drafted to include the following additional or modified approved services: DNS Service – TLD Zone Contents, Anti-Abuse; Additional RDDS Data Fields, Whois Contact Lookup, Internationalized Domain Names at the second level, Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) and an implementation period of 270 calendar days to transition all systems to the requirements of the .asia renewal agreement.
- **Emergency Transition (Section 2.13 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, .asia will 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 .asia TLD as it has been in continuous operation since 2006. As a result, provisions in Section 4.3(b) and (c) of the base registry agreement (Termination by ICANN) are not applicable to the .asia TLD and, therefore, are of no force or effect. This is consistent with other legacy TLDs that have adopted the Emergency Transition provisions.
- **Fees to be paid to ICANN org (Section 6.1 of the proposed renewal agreement):** The proposed .asia renewal agreement includes the fee schedule of the base registry agreement. Accordingly, the registry fixed fee of \$6,250 per calendar quarter is proposed for the .asia TLD, the fee beginning on the .asia renewal agreement effective date. The registry-level transaction fee will decrease from US \$0.50 for each annual increment of an initial or renewal domain name registration to \$0.25, consistent with the base registry agreement.
- **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 to the base registry agreement, the .asia 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 Registry Restrictions Dispute Resolution Procedure (RRDRP). dotAsia Organisation Limited is also authorized to develop additional rights protection mechanisms. Section 2.8 of the proposed .asia 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 the applicability of the Public Interest Commitment Dispute Resolution Procedure (PICDRP) comparable to other new gTLD registry operators (except Specification 11, Section 2, which refers to the initial application for the gTLD).
- **Community Registration Policies (Section 2.9 and Specification 12 of the proposed renewal agreement) to replace Appendix S:** Appendix S in the current .asia Registry Agreement is replaced by Specification 12. dotAsia Organisation Limited will be required to establish registration policies in conformity with Specification 12.
- **Registry Code of Conduct (Section 2.14 and Specification 9 of the proposed renewal agreement):** The Registry Operator has adopted the code of conduct in conformity with the base gTLD Registry Agreement.
- **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 included in the current .asia agreement.

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

- **Pass-Through Fees related to the Trademark Clearinghouse (Section 6.4 of the base gTLD Registry Agreement):** This requirement will not apply to the .asia TLD as it has been in continuous operation since 2006. As a result, provisions in Section 6.4 of the base registry agreement are not applicable to the .asia TLD and, therefore, are of no force or effect. This is consistent with other legacy TLD Registry Agreement renewals.
- **Registry Interoperability and Continuity (Section 2.7 and Specification 6 of the base gTLD Registry Agreement):** Section 6 of Specification 6 of the base registry agreement (Name Collision Occurrence Management) will not apply to the .asia TLD as it has been in operation since 2006. This is consistent with other legacy TLD registry agreement renewals.
- **Schedule of Reserved Names (Specification 5 of the base gTLD Registry Agreement):** The proposed .asia 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 its 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 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 not included in the .asia 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, and statements made in the registry operator TLD application and launch of the TLD, as they are not applicable.

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

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

Contractual Compliance Review: As part of the renewal process, ICANN conducted a contractual compliance review of the current .asia agreement. dotAsia Organisation Limited was found to be in compliance with its contractual requirements for the operation of the .asia TLD.

Section II: Background

ICANN and dotAsia Organisation Limited entered into a Sponsored TLD Registry Agreement on [6 December 2006](#) for operation of the .asia top level domain.

In addition to the .asia Registry Agreement, the registry agreements of several "legacy" gTLDs, namely, .tel, .mobi, .jobs, .travel, .cat and .pro have been renewed based on the base gTLD 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 .asia 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.



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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.



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Executive summary

[Staff to create](#)

Statement

The ALAC supports the proposed changes to the .asia (DotAsia) renewal agreement, with the following comments:

Universal Acceptance (UA): While Clause 1.2 of the proposed .asia (DotAsia) agreement encourages the adoption of Universal Acceptance (UA), it recognizes that registries may experience technical difficulties in its implementation. DotAsia already promotes UA within Asia and is a lead participant in the UASG, supported by the DotAsia Board. Therefore, the ALAC proposes that Clause 1.2 of the agreement be amended to read: ICANN encourages Universal Acceptance for all top level domain strings in contract with DotAsia.

Public Interest Commitments: The ALAC strongly supports clause 2.17 on Public Interest Commitments for DotAsia.

Fees to be paid to ICANN org: In respect of Section 6.1 of the proposed renewal agreement, the ALAC counsels for both the registry fixed fee (presently proposed at \$6,250 per calendar quarter) and the registry-level transaction fee (presently proposed at \$0.25 for each annual increment of an initial or renewal domain name registration) to be adjusted for inflation on an annual basis. This adjustment ought to also be adopted in the base Registry Agreement.

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).

At-Large recommends the addition of Universal Acceptance (UA) into the DotAsia Registry Agreement. Commitments to IPv6 and DNSSEC are already incorporated into their current Registry Agreement.

As a Registry Operator which offers Internationalised Domain Name (IDN) registrations across the Asian region, DotAsia already promotes UA within Asia and is a lead participant in the UASG. This initiative is fully supported by the DotAsia Board. At-Large is also encouraged that following ICANN64 and the interest that was raised during the Kobe meeting, the ICANN Board Chair endorsed community support for this renewed UASG effort.

During the Kobe meeting, the At-Large community discussed Universal Acceptance and formed two areas of consensus. Firstly, that the interests of Internet end users, particularly those using non-Latin scripts, are being undermined by a lack of Universal Acceptance around the world. Secondly, there was enthusiasm to experiment with At-Large community mobilization on the issue of Universal Acceptance.

It has been recommended that the New gTLD Subsequent Procedures Working Group should look into including UA into the requirements for the next round, just as IPV6 and DNSSEC were included during the 2012 round.

While it is noted that the removal of price caps from other registry agreements that are also being considered in this round of public submissions, are currently under discussion, At-Large notes a report from DotAsia that it does not intend to make any changes to its current pricing agreements and will continue to maintain its normal annual renewal price to registrars per domain year.

