

At-Large Proposed Renewal of .CAT Sponsored TLD 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 .CAT Sponsored TLD 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 2005 Registry Agreement for .CAT. This proposal is a result of discussions between ICANN and Fundació puntCAT (the Registry Operator for the .CAT TLD).

Section I: Description, Explanation, and Purpose

ICANN is posting for public comment the proposed agreement for renewal of the 2005 Registry Agreement for .CAT, which is set to expire on 19 December 2015. This proposal is a result of discussions between ICANN and Fundació puntCAT.

The current Registry Agreement for .CAT, like other registry agreements, provides for presumptive renewal so long as certain requirements are met. It also provides that upon renewal, changes may be made to the terms of the Agreement.

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](#). In order to account for the specific nature of the .CAT TLD, a [Sponsored TLD](#), relevant provisions in the [23 September 2005 Sponsored TLD Registry Agreement](#) have been carried over to this renewal agreement.

As a result, the proposed renewal agreement for .CAT is similar to the terms of a Registry Agreement for a new gTLD that elected for community TLD status (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 .CAT TLD has been in operation since 2005.
- **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 .CAT TLD, which has been and is expected to remain in continuous operations for at least 6 years prior to the anticipated effective date of the renewal agreement.
- **Obligations of Registry Operator to TLD Community (section 2.19 and Specification 7):** the .CAT TLD will be bound by its [Sponsored TLD charter](#) as carried over to Specification 12 of the proposed renewal agreement; it will not be subject to the Registry Restrictions Dispute Resolution Procedure (RRDRP) which was designed specifically for community TLDs under the New gTLD program.
- **Pass Through Fees related to the Trademark Clearinghouse (section 6.4):** The .CAT TLD 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 .CAT includes IDN service and also a provision on the exclusion of Community-Assigned Domain Names from the Registry-Level Transaction Fees. Additionally, the Approved Services for .CAT includes a 9-month implementation grace period to allow sufficient time for Fundació puntCAT to complete transition of its technical operations to meet all the requirements of the proposed renewal agreement.
- **Schedule of Reserved Names (Specification 5):** the proposed renewal registry agreement reflects registry operator's February 2010 authorization to allocate previously reserved single- and two-character labels in the TLD through ICANN-accredited registrars, based upon implementation of a request for proposals process in which the Registry will evaluate the suitability of the applicant and the benefits of the allocation for the Catalan cultural and linguistic community. Additionally, consistent with current provisions under the .CAT Sponsored TLD Agreement, the renewal registry agreement does not include the provisions in the New gTLD Registry Agreement pertaining to the protection of International Olympic Committee, International Red Cross, Red Crescent Movement and Intergovernmental Organizations names and acronyms. It should be noted, however, that .CAT will eventually be subject to consensus policy recommendations in the [Protection of IGO-INGO Identifiers in All gTLDs Policy Development Process](#), which implementation plan is currently being developed as directed by [ICANN Board Resolution 2014.04.30.05](#). This consensus policy addresses the protection of IGO and INGO names and acronyms, including the Red Cross/Red Crescent Movement and the International Olympic Committee. Also, 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 .CAT TLD since it has been in operation since 2005.
- **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 .CAT Sponsored TLD Agreement or to clarify rights previously afforded to .CAT.

As part of the adaptation needed to carry over the Sponsored TLD Policies of .CAT to the proposed renewal agreement, Specification 12 incorporates the language of the original [Appendix S](#) (applicable under the current .CAT TLD Agreement) with the following three 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); and
- Section A of Part VII of Appendix S ("Domain Names Excluded from the Registry-Level Transaction Fee") was not included in Specification 12 because it is now incorporated to Approved Services (Exhibit A).

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

- [Proposed Renewal Registry Agreement](#) [PDF, 621 KB]
- [Redline showing changes compared to the approved base New gTLD Agreement](#) [PDF, 761 KB]

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

Section II: Background

ICANN and Fundació puntCAT entered into a Sponsored TLD Registry Agreement on 23 September 2005 for operation of the .CAT top level domain. As per the Registry Agreement signed on 23 September 2005, the effective date of the agreement is set as the delegation date of the .CAT TLD. .CAT TLD was delegated on 20 December 2005, accordingly, the current .CAT Registry Agreement is set to expire on 19 December 2015. The current agreement for .CAT may be viewed at: <https://www.icann.org/resources/unthemed-pages/cat-2012-02-25-en>

Section III: Relevant Resources

- Current .CAT Registry Agreement and Appendices: <https://www.icann.org/resources/unthemed-pages/cat-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>
- Background on Sponsored Top Level Domain: <http://archive.icann.org/en/tlds/std-apps-19mar04/>

Section IV: Additional Information

Section V: Reports

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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.