



Global Amendment to the Base New gTLD Registry Agreement

Amanda Fessenden | Registry Services & Engagement Manager
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- ⦿ **Registries Stakeholder Group (RySG) – Working Group (WG) Panel**
 - Jon Nevett: Donuts
 - Susan Payne: Valideus
 - Rubens Kuhl: NIC.br

- ⦿ **ICANN Panel**
 - Krista Papac: Director, Registry Services & Engagement
 - Francisco Arias: Director, Technical Services
 - Aaron Hickmann: Director, GDD Operations

- ⦿ **Webinar Moderator**
 - Amanda Fessenden: Registry Services & Engagement Manager, ICANN

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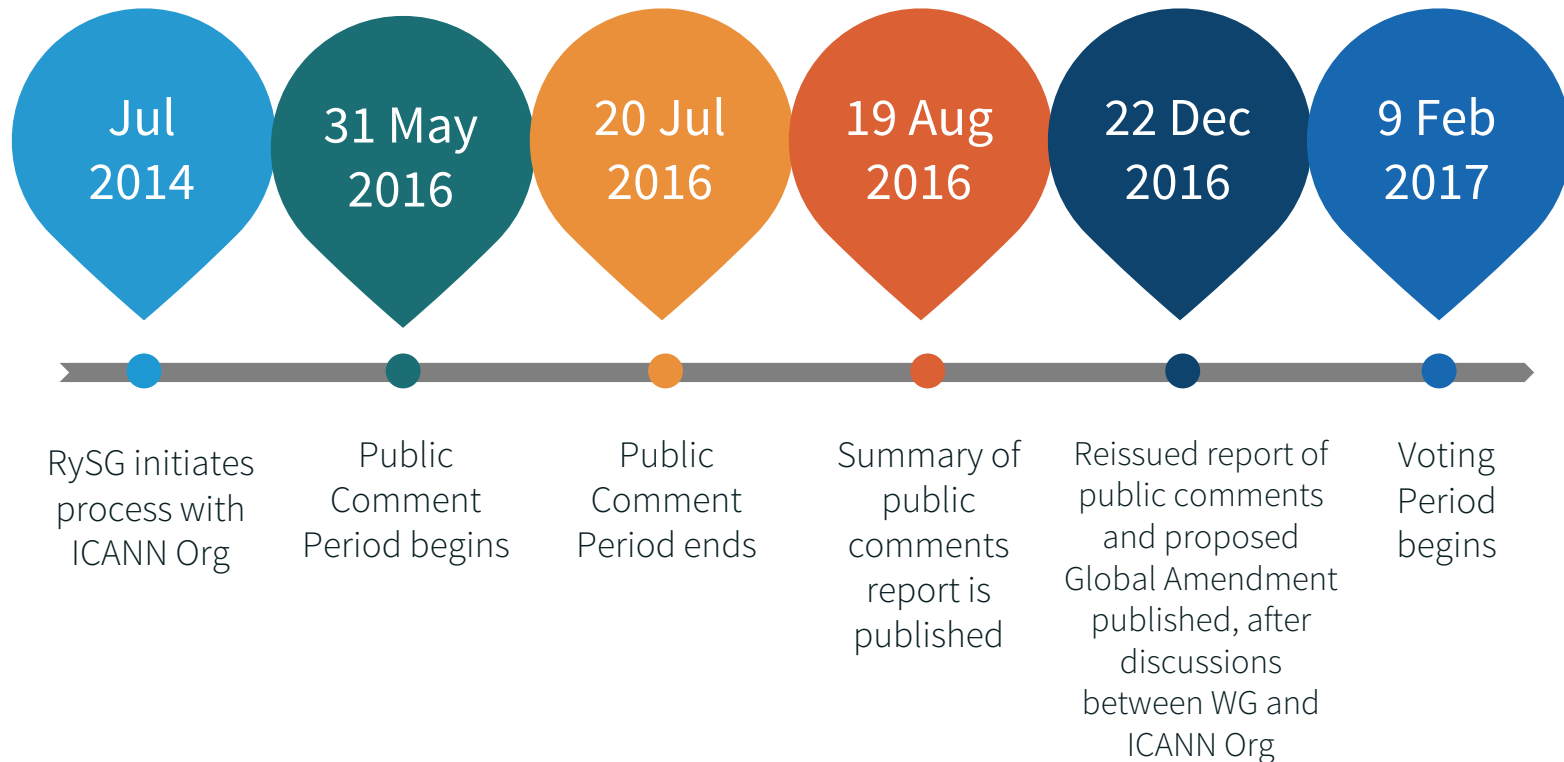
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Questions &
Answers

1. Background: The Amendment Process

How did the amendment process begin?

Section 7.7 of the New gTLD Registry Agreement provides a mechanism for either ICANN or a Working Group appointed by the RySG to periodically propose amendments to the Agreement.



2. Proposed Changes to the New gTLD Registry Agreement

The Global Amendment

- ⦿ **Global Amendment:** proposed revisions to the base New gTLD Registry Agreement agreed upon by ICANN Organization and the Working Group comprised of Registries Stakeholder Group members.
- ⦿ Applicable Registry Operators are entitled to vote to approve or not approve the proposed Global Amendment.
- ⦿ Approval of Global Amendment results in modifications to the base New gTLD Registry Agreement rather than modifying each Registry Agreement.
- ⦿ After implementation, newly contracted gTLDs will sign a fully amended Registry Agreement.

Overview of Proposed Changes

- ⦿ The Global Amendment generally **clarifies responsibilities** and **updates terms** based on operational needs.
- ⦿ Revisions largely focus on technical corrections and clarifications.
- ⦿ ICANN published a summary of changes on the public comment page to help the community better understand the terms of the amendment: <https://www.icann.org/en/system/files/files/summary-changes-registry-agreement-31may16-en.pdf>
- ⦿ An updated summary of changes will be available on ICANN's [Global Amendment](#) webpage.

Proposed Changes Include:

- ⦿ **Section 2.4 – Monthly Reporting:** Provides Registry Operator with flexibility to defer the first month's report if delegation occurs during the second half of a month. Also clarifies that Registry Operator will include domain names created during pre-delegation testing in the monthly report if the names have not been deleted at the time of delegation.
- ⦿ **Section 2.9 – Registrars:** Proposed revision clarifies that ICANN does not approve pricing changes.
- ⦿ **Section 4.3 – Termination by ICANN:** Proposed revision made in response to requests by .BRAND TLD operators and clarifies ICANN's ability to terminate the Registry Agreement in certain circumstances.
- ⦿ **Section 5.2 – Arbitration:** Proposed revisions specify the manner in which arbitrators will be selected for arbitration proceedings initiated under the Registry Agreement.
- ⦿ **Section 6.7 - Fee Reduction Waiver:** Proposed revisions provide that ICANN may determine to reduce the fees payable by Registry Operator under the Registry Agreement. Under the provision, ICANN would retain discretion to determine whether a reduction in fees is appropriate, including the terms of any such reduction.

Proposed Changes Include:

- ⦿ **Section 7.5(f) – Change of Control; Assignment and Subcontracting:** Proposed revision creates a new defined term, “Affiliated Assignee,” which has the effect of facilitating reorganizations by Registry Operator without triggering a consent right of ICANN. Additionally, the revision also clarifies that the Affiliated Assignee’s assumption of the obligations under the Registry Agreement must be made in writing.
- ⦿ **Exhibit A – Approved Services:** Proposed revisions are as follows:
 - Items 1.1.1-1.1.5 to reflect ICANN’s current practice for describing DNS Service in existing Exhibit A
 - Items 1.1.6, 1.1.7 and 1.2 added clarification to the DNS classes permissible and added permission to use TXT and TYPE65534 records in some circumstances
- ⦿ **Specification 2 – Data Escrow Requirements:** Clarifications.
- ⦿ **Specification 3 – Format and Content for Registry Operator Monthly Reporting:** Proposed revisions clarify fields in transaction and activity reports
- ⦿ **Specification 4, 2.1.5 – Use of Data by User:** Proposed revisions reflect harmonization of provision with the CZDS terms of service.

Proposed Changes Include:

- ⦿ **Specification 6 – Registry Interoperability and Continuity Specifications:** Clarifications.
- ⦿ **Specification 6, 1.4 – IDN:** Proposed revision is intended to capture a circumstance where the provisions of Exhibit A may conflict with ICANN IDN Guidelines in the future and provide priority to the ICANN IDN Guidelines.
- ⦿ **Specification 7, Section 1 – Rights Protection Mechanisms:** Proposed revisions clarify that Registry Operator must enter into a Registry-Registrar Agreement with at least one ICANN accredited registrar and specify the timing related thereto.
- ⦿ **Specification 13:** Proposed revision made in response to requests by .BRAND TLD operators, and provides that global amendments (i.e. amendments approved pursuant to Section 7.6 or 7.7 of the registry agreements) cannot amend the provisions of Specification 13 unless such amendments are approved by .BRAND TLD registry operators.

Changes After the Public Comment Period

After the Public Comment Period, ICANN and the WG worked together to consider comments received and to incorporate certain revisions into the Global Amendment. The following changes were made:

- ⦿ **Preamble:** Removal of address for operational efficiency
- ⦿ **Section 4.3(e):** Revision specifies that some Specification 11s contain additional sections relating to termination of the Registry Agreement
- ⦿ **Specification 5, Section 3.4:** Removed “upon delegation of the TLD into the root zone”
- ⦿ **Specification 6, 1.4 – IDN:** Text removed as a typographical correction
- ⦿ **Specification 13, Section 9.1:** Revised text for consistency
- ⦿ **Specification 13, Section 11 (new):** Revision clarifies the meaning of “Applicable Brand Registry Agreement”

3. Voting Procedures

When is the Voting Period?

9 February 2017
23:59 UTC

Voting begins

10 April 2017
23:59 UTC

Voting ends

The voting period is 60 days.

Voting Guidelines

⦿ **Voting Mechanism**

- Voting to be administered by [BigPulse](#), a third-party vendor.
- Same voting system used for the annual registrar fee vote.

⦿ **Verification of Voting Results**

- Independent third-party reviewer to verify results of the vote.

⦿ **Voting Eligibility**

- Applicable Registry Operators as defined by Section 7.6(j)(i) of the base New gTLD Registry Agreement:

“Collectively, the registry operators of top-level domains party to a registry agreement that contains a provision similar to this Section 7.6, including Registry Operator.”

Voting Guidelines

- ⦿ **Global Amendment Approval** is required from:
 - 1) Applicable Registry Operators
 - 2) The ICANN Board of Directors

- ⦿ **Applicable Registry Operator Approval** – Voting results must reach the following two (2) thresholds as defined by Section 7.6(j)(ii):
 - 1) *“The affirmative approval of the Applicable Registry Operators whose payments to ICANN accounted for two-thirds of the total amount of fees paid, pursuant to the Registry Agreement, the immediately previous calendar year.”*
 - 2) *“The affirmative approval of a majority of the Applicable Registry Operators at the time such approval is obtained.”*

The Voting Process

- 1 Access the Voting System
- 2 Accept the Transparency Terms
- 3 Vote on the Global Amendment
- 4 Receive Your Vote Confirmation
- 5 Change Your Vote (*optional*)

1. Access the Voting System

Dear [Registry Primary Contact],

The [TLD] Registry is eligible to vote to approve or not approve the proposed Global Amendment to the base New gTLD Registry Agreement. You may choose to abstain from the vote if you do not want to approve the amendment.

Important Security Warning: Do not forward this email because it contains your personal sign-in link.

The open date and time for the vote is Thursday, 9 February 2017, at 23:59 GMT. The vote will close on Monday, 10 April 2017, at 23:59 GMT.

To cast your vote, click this

link: <https://www.bigpulse.com/rr?9n0KAKVIHFgpXJ6R9I4dcH5AFi8F8R2pbpqtWg>

If the above link does not work, copy and paste it into your browser.

- ⦿ Registry Primary Contact receives an email from BigPulse.
- ⦿ Email includes instructions and personal sign-in link.
- ⦿ **Click on the link to start the voting process.**
- ⦿ *Note:* Anyone with this link can vote. Registry Primary Contacts should not share this link.

2. Accept the Transparency Terms



You **must** accept the transparency terms in order to proceed.

Signed in as **DCZVAwYv** ID: *[Registry Operator Vote ID]* · **Sign-out** ·
Proposed Global Amendment to the Base New gTLD Registry Agreement

Transparency Agreement

Please note this poll is not anonymous. This means the poll administrators have access to the full details of your voting records.

I accept the transparency terms

I do not accept

3. Vote on the Global Amendment

1

To approve, check this box.

To not approve, **do not** check the box.

2

Enter your full name .

3

Click "**SUBMIT or UPDATE Vote**" button.

Global Amendment to the Base New gTLD Registry Agreement ("Global Amendment")

By voting, I certify that I am authorized to vote on behalf of the Registry Operator for this TLD.

VOTING

To APPROVE the Global Amendment:

1. Check the box below
2. Enter your name
3. Click "SUBMIT or UPDATE Vote"

If you do NOT approve the Global Amendment:

1. Do NOT check the box below
2. Enter your name
3. Click "SUBMIT or UPDATE Vote"

CHANGING VOTE Note: You may only change your vote once.

If you have already voted to APPROVE:

1. Uncheck the box
2. Click "SUBMIT or UPDATE Vote"

If you have already voted to NOT approve:

1. Check the box
2. Click "SUBMIT or UPDATE Vote"

I approve the proposed Global Amendment to the base New gTLD Registry Agreement on behalf of the Registry Operator for this TLD

Enter your full name (the name of the person submitting this vote). ***THIS IS REQUIRED TO SUBMIT YOUR VOTE***

You have not yet voted in this vote.
Open time: Thursday 09 February 2017 00:00 UTC
Close time: Monday 10 April 2017 23:59 UTC

SUBMIT or UPDATE Vote

4. Receive Your Vote Confirmation

- Registry Primary Contact receives confirmation email from BigPulse.

- The text after this bullet point shows your approval vote.

If you **do not** approve the Global Amendment, this section will appear blank.

- The section after “Your response” shows the voter’s full name as entered by the voter.

Dear *[Registry Primary Contact]*

Global Amendment to the Base New gTLD Registry Agreement ("Global Amendment") (Poll ID: 127452)

Vote receipt number: **STGWrzzRL6**

You voted for the following:

- I approve the proposed Global Amendment to the base New gTLD Registry Agreement on behalf of the Registry Operator for this TLD (ID#15842449)

Your response:

[Registry Primary Contact]

ID# is the permanent identification number of the selected choices in the database.

To visit this vote again click the link below:

<https://www.bigpulse.com/rr?Yv8KAD3PbTihjMINAJZnZcz8Q8eb48fESf12bw>

Important Security Warning: This email includes an automatic sign-in link to your voting account which expires in 12 hours. Therefore, you should not forward this email or allow others to access it.

If you have any questions about the voting process, use GDD Portal to contact ICANN Global Support or send an email to globalsupport@icann.org.

5. Change Your Vote (*optional*)

You may change your vote **once** by clicking on the personal sign-in link provided within the email from BigPulse and resubmitting your vote.

Follow these instructions to change your vote.

Global Amendment to the Base New gTLD Registry Agreement ("Global Amendment")

By voting, I certify that I am authorized to vote on behalf of the Registry Operator for this TLD.

VOTING

To APPROVE the Global Amendment:

1. Check the box below
2. Enter your name
3. Click "SUBMIT or UPDATE Vote"

If you do NOT approve the Global Amendment:

1. Do NOT check the box below
2. Enter your name
3. Click "SUBMIT or UPDATE Vote"

CHANGING VOTE **Note: You may only change your vote once.**

If you have already voted to APPROVE:

1. Uncheck the box
2. Click "SUBMIT or UPDATE Vote"

If you have already voted to NOT approve:

1. Check the box
2. Click "SUBMIT or UPDATE Vote"

I approve the proposed Global Amendment to the base New gTLD Registry Agreement on behalf of the Registry Operator for this TLD

Enter your full name (the name of the person submitting this vote). ***THIS IS REQUIRED TO SUBMIT YOUR VOTE***

[Registry Primary Contact]

You have already voted in this vote.

You can override your last vote by voting again within 67 days 6 minutes.

Open time: Thursday 09 February 2017 00:00 UTC

Close time: Monday 10 April 2017 23:59 UTC

SUBMIT or UPDATE Vote

4. Next Steps

What Happens Next?



5. Helpful Links

Helpful Links

ICANN webpage for the Global Amendment to the base New gTLD Registry Agreement

<https://www.icann.org/resources/pages/global-amendment-base-new-gtld-registry-agreement-2017-01-23-en>

Proposed Global Amendment to the base New gTLD Registry Agreement

<https://www.icann.org/en/system/files/files/proposed-registry-agreement-global-amendment-22dec16-en.pdf>

Cumulative Redlines to the base New gTLD Registry Agreement

<https://www.icann.org/en/system/files/files/draft-registry-agreement-amended-redline-22dec16-en.pdf>

Current base New gTLD Registry Agreement – current version dated 9 January 2014

<https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-09jan14-en.pdf>

Clean version of amended base New gTLD Registry Agreement

<https://www.icann.org/en/system/files/files/draft-registry-agreement-amended-22dec16-en.pdf>

**Amended version of the base New gTLD Registry Agreement should the Global Amendment achieve Applicable Registry Operator and ICANN Board approval*

Public Comment Announcement

<https://www.icann.org/public-comments/proposed-amend-new-gtld-agreement-2016-05-31-en>

Reissued Staff Report of Public Comment Proceeding

<https://www.icann.org/en/system/files/files/reissued-report-comments-proposed-amend-new-gtld-agreement-22dec16-en.pdf>

**Includes additional analysis as published 22 December 2016*

6. Questions & Answers

Engage with ICANN



Thank You and Questions

Reach us at:

Email: globalsupport@icann.org

Website: icann.org



twitter.com/icann



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