

## Global Domains Division Update Webinar – 21 May 2014

### Additional Questions & Answers

The Global Domains Division (GDD) receives questions during webinars that go unanswered due to time constraints. Responses to these additional questions are below. Questions are grouped and ordered alphabetically by subject. Further inquiries can be directed to [customerservice@icann.org](mailto:customerservice@icann.org).

#### Auctions

**Q: Name Collision is a valid reason for delaying an auction, but what assurance do applicants have that this issue won't continue? If further delays arise, how will ICANN communicate this information?**

A: The GDD Auctions and Name Collision teams are working closely together to understand the impact on the auction program and communicate updates to affected applicants. If new developments occur, the auctions schedule will be adjusted on an as-needed basis. At this time, the schedule is based on the timeline for the finalization of the Name Collision Mitigation Framework referenced in the "Name Collision" section of this document.

#### Centralized Zone Data Service (CZDS)

**Q: What is the status of the Centralized Zone Data Service? Are further upgrades planned to address currently know issues?**

A: As previously communicated, one feature that was causing confusion for users is being redesigned. The CZDS technology roadmap includes further enhancements, the majority of which are in response to user requests, which will be communicated and rolled out later this year

**Q: Can you provide more detail on the issue with the CZDS?**

A: The CZDS was designed to provide a robust set of management features for registry users. It came to our attention that some of those features did not work as intended or caused user confusion, so programming changes were made to address those issues.

**Q: Was any CZDS data inappropriately accessed?**

A: We performed a thorough system and data review and found no evidence that any zone files were inappropriately accessed. For more information on the CZDS technical issue, please see the posted FAQ at: <https://www.icann.org/resources/pages/czds-2014-03-03-en>.

## Code of Conduct Exemption

**Q: Will ICANN consider allowing an applicant to request an exemption to the Code of Conduct during the Contracting Invitation Request process while also applying to qualify for Specification 13?**

A: Applicants should only submit applications for Specification 13, because Specification 13 includes an exemption to the Code of Conduct. If Specification 13 is not granted, the applicant may then request an exemption to the Code of Conduct. As a reminder, if ICANN receives both a Specification 13 application and a request for

exemption to the Code of Conduct, only the Specification 13 application will be processed. The Code of Conduct request will be cancelled.

**Q: We are waiting to execute the Registry Agreement pending approval of the Code of Conduct Exemption. The public comment period was launched on 18 March 2014. When will applicants be notified as to its approval?**

A: ICANN recently began notifying applicants of determinations regarding requests for exemption to the Registry Operator Code of Conduct. There is no set timeline, however, approved requests are posted on the Registry Agreement page of the TLD (<https://www.icann.org/resources/pages/registries-2012-02-25-en>).

## Name Collision

**Q: Are .CORP, .HOME and .MAIL part of the 120-day block? Will they take longer than 120 days? Or will they not be delegated at all?**

A: The JAS Global Advisors report, "[Mitigating the Risk of DNS Namespace Collisions](#)," recommends that the TLDs .CORP, .HOME and .MAIL be permanently reserved for internal use and receive RFC 1918-like protection/treatment, potentially via RFC 6761.

**Q: As a registry operator with delegated gTLDs, what should we do in cases where our TLD is ASCII-only and we have IDN names on the second-level domain (SLD) block list, and vice versa, ASCII SLD names on IDN-only TLDs? To clarify, this question is related to A and SRV Domain Name System records for second-level domain block list.**

A: In the case of SLDs on the block list that the registry is not interested in releasing (e.g., because the registration policy does not allow those names to be registered), the registry has the option not to implement the controlled interruption for those names.

However, that would mean the registry would not be able to offer registration for those names if, at a later time, it decided to release the prohibition of registering those SLDs.

**Q: Will the New gTLD Program Committee of the ICANN Board of Directors consider the updated Name Collision Mitigation Framework at ICANN 50 in London?**

A: ICANN staff is working to have a proposal ready for consideration by the New gTLD Program Committee as soon as possible, hopefully by the London meeting.

**Q: What is the process for implementing Name Collision recommendations, and what is the timeline?**

A: JAS Global Advisors is preparing a final version of its Phase I Report on name collisions, titled "Mitigating the Risk of DNS Namespace Collisions." It is anticipated that this report will be published in advance of ICANN 50 in London. ICANN will prepare a proposal for the New gTLD Program Committee of the ICANN Board, taking into account the recommendations in the JAS report, along with public comments, and other community input. ICANN will keep the community updated on this important issue.

### Qualified Launch Program

**Q: Are registrars included under the Qualified Launch Program (QLP) and the assignment of up to 100 names to third parties? Could this potentially conflict with a registry's mandate to treat registrars equally? For example, if we assign a second-level domain like "website.gTld" to one registrar, would this be considered favoritism?**

A: Nothing in the QLP excludes registrars from being eligible to participate. However, the Registry Agreement includes provisions regarding non-discriminatory treatment of registrars (e.g., section 2.9a and Specification 9). Whether a registry could allow registrars to participate in its QLP consistent with the non-discrimination provisions of the agreement would depend on the facts and circumstances, and ICANN cannot provide a more definitive answer without understanding all of the relevant facts.

**Q: Are domain names allocated to a third party under the Qualified Launch Program considered to be held by the registry or the third party?**

A: Domain names allocated to a third party under the QLP are considered to be held by the third party.

## Registry Agreement Execution

**Q: What will happen if an applicant requests an extension to the Contracting period near the 29 October 2014 deadline, and ICANN deems that the applicant has NOT worked diligently and in good faith toward entering into the Registry Agreement?**

A: ICANN expects to reach out to applicants in the coming months to remind each applicant of its obligation to work diligently and in good faith toward successfully completing the steps necessary for entry into the Registry Agreement. With this outreach, ICANN does not expect that an applicant will be surprised by a determination that it has not met this requirement. However, if an applicant has not worked diligently and in good faith toward entry into the Registry Agreement, ICANN may deny the request for extension and the applicant may not be eligible to enter into a Registry Agreement.

## Registry Agreement Specification 13

**Q: Will ICANN waive the Sunrise policy requirements found in the TLD Startup Information for registry operators that qualify as .BRAND TLDs?**

A: Please refer to [Specification 13](#), which provides:

“Notwithstanding the requirements of Section 2.8 of the Agreement, Section 1 of Specification 7 to the Agreement and Section 2 of the Trademark Clearinghouse Rights Protection Mechanism Requirements (the “TMCH Requirements”), Registry Operator is not required to provide a Sunrise Period (as defined in the TMCH Requirements) or, except as set forth herein, otherwise comply with the obligations set forth in Section 2 of

the TMCH Requirements (collectively, the "Sunrise Requirements") so long as the TLD continues to be qualified as a .Brand TLD by ICANN.

Registry Operator must comply with all other provisions of the TMCH Requirements, including completing the Integration Testing required by Section 1 of the TMCH Requirements and providing the Claims Services required by Section 3 of the TMCH Requirements. Registry Operator will provide ICANN (i) confirmation of completion of Integration Testing and (ii) notice of the start date (the "Claims Commencement Date") and end date for the Claims Period (as defined in the TMCH Requirements) for the TLD, in each case via the customer services portal at <http://myicann.secure.force.com/>. Registry Operator may not Allocate (as defined in the TMCH Requirements) or register a domain name in the TLD (except for "NIC" and self-allocation or registration to itself of domain names pursuant to Section 3.2 of Specification 5) prior to the Claims Commencement Date.

Registry Operator must comply with the Sunrise Requirements effective as of the Disqualification Date and commence a Sunrise Period within 60 calendar days of the Disqualification Date. If, at the Disqualification Date, the Trademark Clearinghouse or any successor or alternative trademark validation authority appointed by ICANN is not in operation, Registry Operator must implement the Sunrise Requirements through an alternative mechanism developed by Registry Operator that is reasonably acceptable to ICANN. As of the Disqualification Date, Registry Operator may not Allocate or register any additional domain names to third parties prior to the Allocation or registration of all Sunrise Period registrations except as permitted by Section 2.2.4 of the TMCH Requirements. In the event ICANN develops an alternative version of the TMCH Requirements specifically for .Brand TLDs or former .Brand TLDs, Registry Operator agrees to comply with such alternative requirements if such requirements are similar to the

TMCH Requirements in effect as of the date hereof as modified by this Specification 13.”

**Q: Will .BRAND applicants need to have been granted .BRAND status prior to 29 October 2014 in order to be eligible for the 12 February 2015 deadline?**

A: ICANN may consider various factors in determining whether a .BRAND applicant has fulfilled its obligations to work diligently and in good faith toward successfully completing the steps necessary to execute a Registry Agreement. For example, if an applicant did not apply for .BRAND status until the 29 October 2014 deadline was near, that might suggest that the applicant was not working in good faith toward signing a Registry Agreement. Similarly, if an applicant submits an application to be granted .BRAND status as the 29 October deadline nears, and it is patently obvious that the applicant does not meet the specified criteria to qualify, ICANN might conclude that the application for .BRAND status was filed purely as a delaying tactic in an effort to obtain an extension of time. We anticipate that applicants who have been working diligently and in good faith toward successfully completing the steps necessary for entry into a Registry Agreement will ordinarily receive notice of whether they are eligible for .BRAND status well in advance of 29 October 2014. If ICANN unreasonably delays in making that determination, ICANN will take that into account in considering a request for extension.

### **Registry Service Evaluation Process (RSEP)**

**Q: What is the root cause of the lack of timely processing of Registry Service Evaluation Process requests? How will the issues be resolved, and what is the timeframe for correcting them?**

A: ICANN acknowledges there have been delays in processing RSEPs. Additionally, some RSEPs were inadvertently moved to the “ICANN Review” status prematurely, indicating the 15 calendar-day “preliminary determination” period had begun. The



issues resulted from the combination of transitioning responsibility for the RSEP within the department and a misunderstanding that occurred while training employees. Adjustments have been made to employee training, and additional peer review steps have been added to the business processes for handling RSEPs. The processing of RSEP is improving, and will continue to improve.

### Service Level Agreement Monitoring

**Q: Does ICANN plan to publish registry operator monthly reports and/or the results of Service Level Agreement monitoring probes?**

A: Yes, ICANN plans to publish the registry operator monthly reports. The reports will be published here: <https://www.icann.org/resources/pages/reports-2014-03-04-en>. ICANN will provide an update on its progress to make these reports available during ICANN 50 in London.

**Q: I understand that the SLA monitoring provider has been changed from Zabbix to INOC (<http://www.marketwatch.com/story/icann-finds-strategic-program-partner-in-inoc-2014-05-12>). Will this impact ICANN's ability to provide SLA monitoring?**

A: The report referenced above is about the GDD Network Operations Center contract that was awarded to INOC. ICANN is already monitoring registry SLA compliance. As a part of this, we continue to work with Zabbix on developing and maintaining the SLA monitoring system.

**Q: Since registries are required to communicate every subcontracting arrangement to ICANN, wouldn't communication from ICANN to affected parties including, but not limited to, registries prior to such contracts be in order? Will these contracts be available for public comment?**

A: ICANN developed a set of Procurement Guidelines, which are available here:

<https://www.icann.org/en/system/files/files/procurement-guidelines-21feb10-en.pdf>.

ICANN also has a Contracting and Disbursement Policy, which is can be viewed here:

<https://www.icann.org/resources/pages/signing-authority-2012-02-25-en>. ICANN

follows these guidelines and policies when entering into agreements with vendors.

When required by Procurement Guidelines, Requests for Proposals are published here:

<https://www.icann.org/resources/pages/rfps-2012-02-25-en>.

## Webinar Scope & Logistics

**Q: Is it the intention that these GDD webinars will cover issues related to legacy gTLD operators and ccTLD operators?**

A: There are currently no plans to hold webinars for gTLD and ccTLD operators but we encourage you to submit questions via the portal or by emailing Customer Service at [customerservice@icann.org](mailto:customerservice@icann.org) so we can assess how best to address your concerns.

**Q: Given there were more than 170 webinar participants, would ICANN consider expanding the duration of future webinars to at least 90 minutes to allow more time for questions?**

A: We plan to allow more time for questions in future webinars.