

*This document was updated 1 September 2015. For previous version of the "Registry Data Escrow Agent Contracting Process", please click [here](#).*

## **Registry Data Escrow Agent Contracting Process**

1. Registry Operator selects an ICANN-approved Data Escrow Agent ("Agent"). The list of the ICANN-approved Agents can be found here: <http://newgtlds.icann.org/en/applicants/data-escrow>
2. Registry Operator obtains the registry data escrow agreement template ("Agreement") from <http://newgtlds.icann.org/en/applicants/data-escrow>
3. Registry Operator and Agent negotiate the terms of the Agreement.
4. Any proposed changes to the Agreement that the Agent is willing to accept but believes could potentially modify the legal or technical requirements set forth in Specification 2 of the Registry Agreement ("Specification 2"), must be submitted to ICANN for review and approval by the Agent.
5. Subject to resolution of any items raised in clause 4 above, Registry Operator and Agent sign the Agreement.
6. Agent provides Registry Operator with a letter of compliance stipulating that the executed Agreement is compatible with Specification 2. The current form of the letter of compliance is attached as Exhibit A ("Letter of Compliance").
7. Registry Operator provides the executed Agreement (which must also include the Escrow Protection Certificate) and the Letter of Compliance to the pre-delegation testing provider ("PDT Provider"). PDT Provider provides the executed Agreement and Letter of Compliance to ICANN.

*Note:* In the event that Registry Operator and Agent wishes to amend the executed Agreement, Agent must submit to ICANN for review and approval of any proposed amendment to the executed Agreement in accordance with clause 4 and 5.

## **EXHIBIT A**

### **NOTIFICATION OF COMPLIANCE**

[Date]

ICANN  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094

RE: Registry Data Escrow Agreement for [TLD], Dated [DATE]

Dear ICANN:

[Approved Escrow Agent] ("Escrow Agent") hereby represents and affirms that the terms and conditions of the above-referenced Registry Data Escrow Agreement, executed by and between Escrow Agent and [insert registry operator name], are substantially similar to the terms of the Registry Data Escrow Agreement template approved and agreed upon by ICANN and which is based upon the legal and technical requirements set forth in Specification 2 of ICANN's New gTLD Registry Agreement, as currently published on ICANN's website as of the date of this letter ("Specification 2"). Escrow Agent will obtain ICANN's written consent before making any amendment to the Registry Data Escrow Agreement that is incompatible with the legal and technical requirements set forth in Specification 2. Escrow Agent will inform ICANN in writing on expiration or termination of the Registry Data Escrow Agreement.

Sincerely,

[Approved Escrow Agent]

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AUTHORIZED SIGNATURE

Cc: [registry operator]