ICANN Registry Request Service

Ticket ID: U7H5Q-8O5I2
Registry Name: VeriSign, Inc,
gTLD: .COM, .NET, .NAME
Status: ICANN Review
Status Date: 2009-07-29 14:36:06
Print Date: 2009-07-30 09:00:49

Proposed Service

Name of Proposed Service:

BTAPPA - .com/.net

Technical description of Proposed Service:

Proposed Service: Bulk Transfer after Partial Portfolio Acquisition ("BTAPPA")

Technical Description of Proposed Service:
Background:

BTAPPA will be beneficial in situations where one ICANN-accredited registrar purchases (the "Gaining registrar"), by means of a stock or asset purchase, merger or similar transaction, a portion, but not all, of another ICANN accredited registrar's domain name portfolio ("Losing Registrar") in the .com and .net top-level domains ("TLDs") or where a Gaining Registrar receives a request from a registrant to transfer a significant number of its domain names from a Losing Registrar to such Gaining Registrar.
Unless an entire portfolio of domain names are being transferred, Gaining Registrars must request that each domain name be transferred individually. Gaining Registrars must meet the following requirements:

o Gaining registrar must be ICANN accredited for the .com or .net TLD.
o Gaining Registrar must be in good standing and be under a Registry-Registrar Agreement with VeriSign.
o Gaining Registrar must provide VeriSign with evidence (i.e., affidavit, sale documents) which sets forth the transfer date or, if an acquisition, the target closing date.
o If domain names are to be transferred from multiple Losing Registrars, then they must be Registrar Affiliates. A Registrar Affiliate is a registrar entity who controls, is controlled by or is under common control with, another entity.
o Transfers of domain names to multiple Gaining Registrars will not be permitted, regardless of familiar relationship.
o Losing Registrar must certify that existing Registrar-Registrant Agreement with customers permits the transfer of domain names in the event of acquisition by another party. Losing Registrar must ensure that no obstacles are placed in the way of the Gaining Registrar.
o Both Gaining and Losing Registrar must approve the list of domain names subject to the BTAPPA prior to the change in sponsorship by VeriSign.
o Domain names with the following statuses at the registry at the time of the transfer will not be subject to the BTAPPA: (i)

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pending transfer, (ii) redemption grace period (RGP), and (iii) pending delete. Domain names within the 45-day auto renew grace period are subject to BTAPPA, but the Registry may be permitted to deny credit for those domain names the registrant(s) choose to delete after the partial BTAPPA, but prior to the expiration of the 45-day auto renew grace window.

o If an acquisition, Losing Registrar must agree to provide at least fifteen (15) day prior written notice of the partial Bulk Transfer to all registrants associated with domain names involved in the transfer. Notice must include: (i) a statement that all Transfers Rules and Policies set by ICANN and the Registry shall remain in effect; (ii) instructions on how a registrant can opt-out of bulk transfer in the event that the Losing Registrar has indicated that it is willing to continue to serve as the registrar for the domain name.

o Gaining Registrar must make request for BTAPPA from VeriSign within one (1) calendar year of the closing date of the acquisition.

o Request for BTAPPA service from VeriSign is limited to one (1) request per Registrar Affiliates per six (6) month period unless otherwise agreed to by VeriSign.

o VeriSign has discretion to reject the request for BTAPPA if there is reasonable evidence that BTAPPA is being requested to avoid fees otherwise due to VeriSign or ICANN.

o BTAPPA may not be requested if the Gaining Registrar's request would otherwise qualify for bulk transfer under Part B of the Policy on Transfer of Registrations Between Registrars implemented by ICANN.

o Once a BTAPPA has been completed, there is no grace period to reverse the transfer.

Consultation

Please describe with specificity your consultations with the community, experts and or others. What were the quantity, nature and content of the consultations?:

a. If the registry is a sponsored TLD, what were the nature and content of these consultations with the sponsored TLD community?:

Not applicable

b. Were consultations with gTLD registrars or the registrar constituency appropriate? Which registrars were consulted? What were the nature and content of the consultation?:

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Registrars have periodically approached VeriSign (as well as other unsponsored gTLD registries) about offering BTAPPA. VeriSign has received positive feedback regarding BTAPPA from continuing discussions with registrars. Registrars view the service as an appropriate tool to support the ever changing nature of the registrars' business models.

Note that NeuStar's (formerly known as NeuLevel) proposal was submitted and approved by ICANN in 2006.

c. Were consultations with other constituency groups appropriate? Which groups were consulted? What were the nature and content of these consultations?:

No consultations with other constituency groups were made.

d. Were consultations with end users appropriate? Which groups were consulted? What were the nature and content of these consultations?:

Neustar's BTAPPA proposal was approved in 2006. VeriSign is not aware of any concerns raised by end users.

e. Who would endorse the introduction of this service? What were the nature and content of these consultations?:

Registrars and registrants would endorse the introduction of BTAPPA.

f. Who would object the introduction of this service? What were(or would be) the nature and content of these consultations?:

To date, no one has raised objections to the introduction of BTAAPA. VeriSign does not anticipate any objections, especially since Neustrar's proposal was approved and no negative comments were received from the community.

Timeline

Please describe the timeline for implementation of the proposed new registry service:

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Since VeriSign's Bulk Transfer tool is already in use, VeriSign intends to implement BTAPPA within fifteen (15) days of RSEP approval. VeriSign would educate the registrars as to the availability of the tool and the required processes during the fifteen (15) day period and on a continuing basis thereafter.

Business Description

Describe how the Proposed Service will be offered:

VeriSign will offer BTAPPA to all ICANN-registrars in the .com and .net top-level domains. In order to access the service, Gaining Registrars must submit a form to VeriSign's Customer Service team at info@verisign-grs.comwhich include the information described above. VeriSign's will validate the registrar's identity, verify the contents of the submission and schedule the date for BTAPPA.

VeriSign may request additional documentation or take additional steps it deems appropriate to ensure that all requirements are met with respect to Registrar Affiliate relationships.

VeriSign will then submit the file provided by the Gaining Registrar to the Bulk Transfer tool and, upon completion, VeriSign's Customer Service will notify both the Losing and Gaining registrars of the transfer of the list of domain names as well as any that were not transferred and the reason for non-transfer.

FEES

VeriSign will, for a fee of one twelfth of an annual registration fee for each domain name transferred within the .com and .net TLDs, perform a bulk transfer of the of the acquired portfolio of names on a mutually agreed upon date/time within 30 days of request from the losing registrar to the gaining registrar who acquired the portion of the losing registrar's domain name portfolio. For example, if a current registration fee is $6.00, the fee will be $0.50 per domain name transferred. Not withstanding the foregoing, the aggregate fees payable to a Registry in connection with the bulk transfer of a portion of a losing registrar's portfolio of domain names shall be a minimum of $5,000 and maximum of $50,000.

Describe quality assurance plan or testing of Proposed Service:

VeriSign testeds the Bulk Transfer tool as part of each individual software release to the Shared Registry System. The Bulk Transfer tool is frequently used in production.

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Please list any relevant RFCs or White Papers on the proposed service and explain how those papers are relevant.:

None.

Contractual Provisions

List the relevant contractual provisions impacted by the Proposed Service:

No contractual provisions will be impacted.

What effect, if any, will the Proposed Service have on the reporting of data to ICANN:

The proposed service will have no impact on the reporting of data to ICANN.

What effect, if any, will the Proposed Service have on the Whois?:

BTAPPA will have no effect on Whois. The new registrar will be available in Whois following the completion of the BTAPPA.

Contract Amendments

Please describe or provide the necessary contractual amendments for the proposed service:

It is believed that there will be no contractual amendments required.

Benefits of Service

Describe the benefits of the Proposed Service:

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There is no ICANN policy or provision that currently addresses the business situation where only a portion of a Registrar's domain name portfolio is acquired. This service would facilate the smooth transfer of a partial portfolio of domain names from one ICANN accredited registrar or recognized family of registrars to another ICANN accredited registrar.

o Benefit to Registry -Efficient method of changing sponsorship of domain names where one ICANN accredited registrar purchased a partial portfolio of domain names sponsored by another ICANN accredited registrar.
o Benefit to Registrars - Provides opportunity to utilize bulk transfer mechanisms to change the sponsorship of a partial portfolio of names purchased from another ICANN accredited registrar or recognized family of registrars.
o Benefits to Registrants - Change of sponsorship of domain names subject to a partial portfolio acquisition from one registrar to another is open and transparent and in a manner that affords registrants protection under ICANN rules. Protections are in place to give registrants to opt out of the transfer. In addition, a registrant would have the right to transfer to another registrar after the partial bulk transfer occurred.

Competition

Do you believe your proposed new Registry Service would have any positive or negative effects on competition? If so, please explain.:

BTAPPA would have no negative effects on competition. The service is designed to facilitate registrars conducting business through the acquisition and sale of partial portfolios of domain name registrations, which will support registrars current and ever changing business models.

How would you define the markets in which your proposed Registry Service would compete?:

The market for this service is the registrar community and their customers.

What companies/entities provide services or products that are similar in substance or effect to your proposed Registry Service?:

NeuStar already provides BTAPPA for the .BIZ registry.

In view of your status as a registry operator, would the introduction of your proposed Registry Service potentially

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impair the ability of other companies/entities that provide similar products or services to compete?:

Other TLD registry operators may choose to offer BTAPPA.

Do you propose to work with a vendor or contractor to provide the proposed Registry Service? If so, what is the name of the vendor/contractor, and describe the nature of the services the vendor/contractor would provide.:

No

Have you communicated with any of the entities whose products or services might be affected by the introduction of your proposed Registry Service? If so, please describe the communications.:

Not applicable.

Do you have any documents that address the possible effects on competition of your proposed Registry Service? If so, please submit them with your application. (ICANN will keep the documents confidential).:

VeriSign has no documents to submit.

Security and Stability

Does the proposed service alter the storage and input of Registry Data?:

No. The proposed service will not alter the storage and input of Registry Data.

Please explain how the proposed service will affect the throughput, response time, consistency or coherence of reponses to Internet servers or end systems:

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BTAPPAwill have no impact on throughput, response time, consistency or coherence of the responses to Internet servers or end systems.

Have technical concerns been raised about the proposed service, and if so, how do you intend to address those concerns?:

No technical concerns have been raised.

Other Issues

Are there any Intellectual Property considerations raised by the Proposed Service:

VeriSign is not aware of any Intellectual Property Considerations.

Does the proposed service contain intellectual property exclusive to your gTLD registry?:

(1) Trademark or similar rights may exist or arise with respect to trade names or terminology used in connection with the proposed service. (2) Copyright protection may exist or arise in connection with code written or materials created in connection with the proposed service. (3) Certain information or processes related to the service may be confidential to VeriSIgn and/or subject to trade secret protection. (4) VeriSign is not aware of the issuance of any patents by any party with respect to the service.

List Disclaimers provided to potential customers regarding the Proposed Service:

VeriSign intends to include industry standard disclaimers in the service agreement.

Any other relevant information to include with this request:

None.