



Registry Services Evaluation Policy (RSEP) Request

April 04, 2023

Registry Operator

Top Level Design, LLC

Request Details

Case Number: 01209066

This Registry Services Evaluation Policy (RSEP) request form should be submitted for review by ICANN org when a registry operator is adding, modifying, or removing a Registry Service for a TLD or group of TLDs.

The RSEP Process webpage provides additional information about the process and lists RSEP requests that have been reviewed and/or approved by ICANN org. If you are proposing a service that was previously approved, we encourage you to respond similarly to the most recently approved request(s) to facilitate ICANN org's review.

Certain known Registry Services are identified in the Naming Services portal (NSp) case type list under "RSEP Fast Track" (example: "RSEP Fast Track – BTAPPA"). If you would like to submit a request for one of these services, please exit this case and select the specific Fast Track case type. Unless the service is identified under RSEP Fast Track, all other RSEP requests should be submitted through this form.

1. PROPOSED SERVICE DESCRIPTION

1.1. Name of proposed service.

Update of Protected Marks List service

1.2. Provide a general description of the proposed service including the impact to external users and how it will be offered.

The protected marks list is a service that, across certain TLDs, allows trademark rights holders to request that the Registry Operator withhold domain names from registration based on the labels listed in a valid SMD file issued by an ICANN-authorized trademark validator. We would no longer offer Registrars support for the service in EPP.

1.3. Provide a technical description of the proposed service.

Support for the PML service would no longer be offered to Registrars in EPP. The service would be otherwise unchanged. The change will be communicated to Registrars upon approval. Support will continue to be provided to Registrars through the other existing support channels.

1.4. If this proposed service has already been approved by ICANN org, identify and provide a link to the RSEP request for the same service that was most recently approved.

<https://www.icann.org/en/system/files/files/rsep-2023006-blackfriday-et-al-request-01mar23->

1.5. Describe the benefits of the proposed service and who would benefit from the proposed service.

EPP support for this service is not supported by the Registry, this brings the service description in line with the service offering.

1.6. Describe the timeline for implementation of the proposed service.

Immediate upon approval from ICANN.

1.7. If additional information should be considered with the description of the proposed service, attach one or more file(s) below.

1.8. If the proposed service adds or modifies Internationalized Domain Name (IDN) languages or scripts that have already been approved in another RSEP request or are considered pre-approved by ICANN org, provide (a) a reference to the RSEP request, TLD(s), and IDN table(s) that were already approved or (b) a link to the pre-approved Reference Label Generation Rules (LGR). Otherwise, indicate “not applicable.”

n/a

2. SECURITY AND STABILITY

2.1. What effect, if any, will the proposed service have on the life cycle of domain names?

None.

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

No.

2.3. Explain how the proposed service will affect the throughput, response time, consistency or coherence of responses to Internet servers or end systems.

It won't.

2.4. Have technical concerns been raised about the proposed service? If so, identify the concerns and describe how you intend to address those concerns.

No.

2.5. Describe the quality assurance plan and/or testing of the proposed service prior to deployment.

n/a

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

n/a

3. COMPETITION

3.1. Do you believe the proposed service would have any positive or negative effects on competition? If so, please explain.

No.

3.2. How would you define the markets in which the proposed service would compete?

n/a

3.3. What companies/entities provide services or products that are similar in substance or effect to the proposed service?

Many registry operators.

3.4. In view of your status as a Registry Operator, would the introduction of the proposed service potentially affect the ability of other companies/entities that provide similar products or services to compete?

No.

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

The TLD RSP will support implementation of the updated service.

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

No.

3.7. If you have any documents that address the possible effects on competition of the proposed service, attach them below. ICANN will keep the documents confidential.

4. CONTRACTUAL PROVISIONS

4.1. List the relevant contractual provisions impacted by the proposed service. This includes, but is not limited to, Consensus Policies, previously approved amendments or services, Reserved Names, and Rights Protection Mechanisms.

N/A

4.2. What effect, if any, will the proposed service have on the reporting of data to ICANN?

None.

4.3. What effect, if any, will the proposed service have on Registration Data Directory Service (RDDS)?*

None.

4.4. What effect, if any, will the proposed service have on the price of a domain name registration?

None.

4.5. Will the proposed service result in a change to a Material Subcontracting Arrangement (MSA) as defined by the Registry Agreement? If so, identify and describe the change. Please note that a change to an MSA requires consent from ICANN org through the MSA change request process. The RSEP request must be approved prior to submitting the MSA change request.

No.

5. AUTHORIZATION LANGUAGE

5.1. A Registry Agreement (RA) amendment is required when the proposed service: (i) contradicts existing provisions in the RA or (ii) is not contemplated in the RA and, therefore, needs to be added to Exhibit A of the RA and/or as an appropriate addendum/appendix. If applicable, provide draft language (or a link to previously approved RA amendment language) describing the service to be used in an RA amendment if the proposed service is approved. If an RA amendment is not applicable, respond with “N/A” and provide a complete response to question 5.2.*

For examples or for IDN services, you may refer to the webpage for standard RA template amendments for commonly requested Registry Services.

Current text:

4. Protected Marks List - Uniregistry EP Bundle and Uniregistry EP Plus Bundle
- 4.1. This protected marks list is a service that, across the TLDs operated by the Registry Operator, allows trademark rights holders to request that the Registry Operator withhold domain names from registration based on the labels listed in a valid SMD file issued by an ICANN-authorized trademark validator.
- 4.2. The Registry Operator must validate that the SMD is valid at the initial time of withholding domain names. The domain names will continue being withheld for the duration of the agreement between the Registry Operator and the trademark rights holder (through its Registrar), irrespective of the validity date of the SMD.
- 4.3. The withheld names must comply with the provisions described in Specification 5, Section 3.3 of the Registry Agreement.
- 4.4. Registry Operator must offer registrars support for the Uniregistry EP service in EPP.
- 4.5. Blocked labels do not prevent other rights holders of identical trademarks which are subscribers to the service from unblocking the label and registering the domain name.
- 4.6. As part of the EP Plus Bundle service, domain names that can be withheld from registration by trademark right holders can be composed of confusingly similar variations of their marks in several languages and scripts. For each label in the SMD, variations are automatically calculated based on confusable characters defined by Unicode Consortium for these languages.

Proposed text:

4. Protected Marks List
- 4.1. This protected marks list is a service that, across certain TLDs operated by the Registry Operator, allows trademark rights holders to request that the Registry Operator withhold domain names from registration based on the labels listed in a valid SMD file issued by an ICANN-authorized trademark validator.
- 4.2. The Registry Operator must validate that the SMD is valid at the initial time of withholding domain names. The domain names will continue being withheld for the duration of the agreement between the Registry Operator and the trademark rights holder (through its Registrar), irrespective of the validity date of the SMD.

4.3. The withheld names must comply with the provisions described in Specification 5, Section 3.3

of the Registry Agreement.

4.4. Blocked labels do not prevent other rights holders of identical trademarks which are subscribers to the service from unblocking the label and registering the domain name.

4.5. As part of the EP Plus Bundle service, domain names that can be withheld from registration by trademark right holders can be composed of confusingly similar variations of their marks in several languages and scripts. For each label in the SMD, variations are automatically calculated

based on confusable characters defined by Unicode Consortium for these languages.

5.2. If the proposed service is permissible under an existing provision in the Registry Agreement, identify the provision and provide rationale. If not applicable, respond with “N/A” and provide a complete response to question 5.1.

n/a

6. CONSULTATION

6.1. ICANN org encourages you to set up a consultation call through your Engagement Manager prior to submitting this RSEP request. This is to help ensure that necessary information is assembled ahead of time.

Identify if and when you had a consultation call with ICANN org. If you did not request a consultation call, provide rationale.

See Case #01183464 – discussion with RSP.

6.2. Describe your consultations with the community, experts, and/or others. This can include, but is not limited to, the relevant community for a sponsored or community TLD, registrars or the registrar constituency, end users and/or registrants, or other constituency groups. What were the quantity, nature, and results of the consultations? How will the proposed service impact these groups? Which groups support or oppose this proposed service?

n/a

7. OTHER

7.1. Would there be any intellectual property impact or considerations raised by the proposed service?

No

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

No

7.3. Provide any other relevant information to include with the request. If none, respond with “N/A.”

N/A.

7.4. If additional information should be considered, attach one or more file(s) below.

Affected TLDs

Current Registry Operator	Top Level Domain	Registry Agreement Date
Top Level Design, LLC	.tattoo	2013-08-30