

## Frequently Asked Questions: Submission of Annual Certifications and Internal Reviews

### 18 December 2017

#### 1. Who must submit an annual certification to ICANN organization?

Registry operators that meet the conditions outlined in the contractual requirements below during at least part of the calendar year being reviewed are required to submit an annual certification to ICANN org:

- a. **Annual Certification of Compliance with Registry Operator Code of Conduct** (Section 3 of Specification 9 of the New gTLD Base Registry Agreement): If Registry Operator or a Registry Related Party (as defined by Section 1 of Specification 9) also operates as a provider of registrar or registrar-reseller services, Registry Operator will conduct internal reviews at least once per calendar year to ensure compliance with the Code of Conduct (Specification 9). Within twenty (20) calendar days following the end of each calendar year, Registry Operator will provide the results of its internal reviews, along with a certification executed by an executive officer of Registry Operator certifying as to Registry Operator's compliance with the Code of Conduct, via email or to an address to be provided by ICANN.
- b. **Annual Certification of Compliance with Code of Conduct Notice of Exemption:** Registry Operator agrees to conduct internal reviews at least once per calendar year to ensure continued compliance with the representations made in its Exemption Request and the exemption criteria set forth in [ICANN's Code of Conduct Exemption Process](#). Within twenty (20) calendar days following the end of each calendar year, Registry Operator will provide ICANN with a certification executed by one of its executive officers certifying continued compliance with the representations made in the Registry Operator's Exemption Request and the exemption criteria set forth in [ICANN's Code of Conduct Exemption Process](#).
- c. **Annual Certification of Compliance with Specification 13** (Section 7 of the Specification 13 of the New gTLD Base Registry Agreement): Registry Operator agrees to conduct internal reviews at least once per calendar year to ensure that the relevant top-level domain (TLD) meets the requirements of the definition of a .BRAND top-level domain. Within twenty (20) calendar days following the end of each calendar year, Registry Operator will provide ICANN with the results of its internal review(s), along with a certification executed by one of its executive officers certifying that the relevant top-level domain meets the requirements of the [definition of a .BRAND top-level domain](#).

#### 2. Are registry operators that meet the conditions outlined in the contractual requirements above required to submit all three types of annual certifications to ICANN org?

No. The annual certification(s) submitted for any given year should align with the applicable contractual requirement(s). For example, if a registry operator had an active Specification 13 in effect for the entire year being reviewed, it would be required to submit only the Annual Certification of Compliance with Specification 13. If the same registry operator had an active Specification 13 in effect for only part of the year being reviewed – but was otherwise subject to the requirements of the Code of Conduct due to also operating as a

provider of registrar-reseller services – then two annual certifications would be required for the year being reviewed.

The Annual Certification of Compliance with Registry Operator Code of Conduct is required for any registry operator that also operates – or has a Registry Related Party that also operates – as a provider of registrar or registrar-reseller services, that has not been granted an exemption to the Code of Conduct whether directly or by way of Specification 13.

**3. If a registry operator has been granted both a Code of Conduct Notice of Exemption and Specification 13, are two annual certifications required to be submitted to ICANN org?**

If the registry operator had an active Specification 13 in effect for the entire year being reviewed, then it is required to submit an Annual Certification of Compliance with Specification 13. An Annual Certification of Compliance with Code of Conduct Notice of Exemption is not required for the same year.

If the registry operator had an active Specification 13 in effect for only part of the year being reviewed, and had an active Code of Conduct Notice of Exemption in effect for the remainder of the year, then both the Annual Certification of Compliance with Specification 13 and Code of Conduct Notice of Exemption are required for the year being reviewed.

**4. Where can a registry operator look to determine if its top-level domain had an active Code of Conduct Notice of Exemption or Specification 13 in effect for the year being reviewed?**

You can find out whether a particular top-level domain had a Code of Conduct Notice of Exemption or Specification 13 in effect for the year being reviewed by looking at its registry agreement webpage. A list of all registry agreement webpages can be found here: <https://www.icann.org/resources/pages/registries/registries-agreements-en>.

**5. What are the best methods for a registry operator to submit an annual certification to ICANN org?**

The registry operator primary contact should submit the annual certification(s) by opening any of the applicable annual certification service request case in the Naming Services portal. If the registry operator is unable to login to the Naming Services portal, they can email [globalsupport@icann.org](mailto:globalsupport@icann.org) for assistance.

**6. Are there any existing forms that registry operators can use to submit these annual certifications and results of internal reviews?**

Yes. To assist registry operators with submitting certifications, ICANN org has embedded certification forms into the “Annual Certification of Compliance with Code of Conduct”, “Annual Certification of Compliance with Code of Conduct Exemption” and “Annual Certification of Compliance with Specification 13” service request cases in the Naming Services portal for each of the possible three certifications outlined in the contractual requirements. These forms are provided for registry operators’ information and added efficiency. However, registry operators are not required to use the embedded forms and may instead provide certifications utilizing their own forms or utilizing forms created by ICANN org and sending them via a “General Inquiry” case in the Naming Services portal or

by emailing [globalsupport@icann.org](mailto:globalsupport@icann.org). ICANN org created forms can be obtained via a “General Inquiry” case in the Naming Services portal or by emailing [globalsupport@icann.org](mailto:globalsupport@icann.org).

For ease of processing, registry operators when submitting annual certifications utilizing their own forms, are kindly asked to use the below file naming convention:

- a. **Annual Certification of Compliance with Registry Operator Code of Conduct:** [.TLD]-Annual Certification of Compliance with Registry Operator Code of Conduct.pdf
- b. **Annual Certification of Compliance with Code of Conduct Notice of Exemption:** [.TLD]-Annual Certification of Compliance with Code of Conduct Notice of Exemption.pdf
- c. **Annual Certification of Compliance with Specification 13:** [.TLD]-Annual Certification of Compliance with Specification 13.pdf

## 7. What is a Registry Related Party?

A “Registry Related Party” is defined in Section 1, Specification 9 of the New gTLD Base Registry Agreement as a registry operator’s parent, subsidiary, Affiliate, subcontractor (e.g., service provider) or other related entity to the extent such party is engaged in the provision of registry services with respect to the top-level domain.

An “Affiliate” is defined in Section 2.9(c) of the registry agreement as a person or entity that, directly or indirectly, through one or more intermediaries, or in combination with one or more other persons or entities, controls, is controlled by, or is under common control with, the person or entity specified. Registry operators are required to provide ICANN org with notification of its Affiliate relationships as required pursuant to Section 2.9(b).

## 8. If a registry operator has not notified ICANN org of its Affiliate relationships as required pursuant to Section 2.9(b) of registry agreement, is the registry operator required to submit an Annual Certification of Compliance with Registry Operator Code of Conduct?

Yes. A registry operator that has not previously provided ICANN org with notification of its Affiliate relationship(s) must do so immediately. They must also submit an Annual Certification of Compliance with Registry Operator Code of Conduct if the registry operator or its Affiliate (or any other Registry Related Party) also operates as a provider of registrar or registrar-reseller services. Information regarding how to provide ICANN org with notification of its Affiliate relationships can be found within the “Cross-Ownership Information” service request case in the Naming Services portal.

If a registry operator has a Registry Related Party other than an Affiliate that operates as a provider of registrar or registrar-reseller services, the registry operator must submit an Annual Certification of Compliance with Registry Operator Code of Conduct, regardless of whether the registry operator has previously notified ICANN org of that relationship.

## 9. How must a registry operator conduct its internal review(s)?

It is up to each registry operator to determine how best to conduct its internal reviews and the format used to provide its results. Compliance with the requirement to document the

results of internal reviews is determined on a case-by-case basis. ICANN org may request additional information to the extent necessary to determine compliance.

**10. For purposes of the Annual Certification of Compliance with Registry Operator Code of Conduct, is the internal review of the Registry Related Party sufficient?**

No. The internal review and the results provided to ICANN org should cover both the registry operator itself and also Registry Related Party and/or registry operator's registrar or registrar-reseller.

**11. With respect to reporting, are registry operators that meet one or more of the contractual requirements described in item 1 above required to submit an annual certification for a top-level domain that is not yet delegated or a delegated top-level domain that has not yet launched?**

Yes. The contractual requirements outlined in item 1 above with respect to reporting take effect upon execution of the registry agreement or the applicable exemption to Code of Conduct, whether directly or by way of Specification 13, and are not dependent on delegation or operation of the top-level domain.

**12. May a registry operator provide one annual certification for multiple top-level domains?**

One annual certification may be provided for multiple top-level domains only if:

- a. All top-level domains meet the conditions of the same contractual requirement outlined in item 1 above.
- b. The signatory executing the annual certification on behalf of each top-level domain meets the signatory requirements and has authority to provide these representations.
- c. The certificate clearly lists the covered top-level domains and the specific results for the internal review of each. If applicable, it may be specified that the review results for each top-level domain are identical.

**13. Who is required to sign an annual certification?**

Annual certifications must be signed by an executive officer of the registry operator. Executive officers are typically high-level management officials of the registry operator and may include a chief executive officer (CEO), vice president (VP), secretary, chief financial officer (CFO) or equivalent position having overall legal or executive responsibility for the registry operator.

If a registry operator does not have an executive officer, the certifications must be signed by a senior management official having authority over the business. ICANN org may request additional information about the signatory.

**14. When is the submission deadline for annual certifications?**

Registry operators that are required to submit an annual certification must do so by 20 January each year.

**15. May ICANN org publicly post a registry operator's internal review results?**

Yes. ICANN org is permitted to publicly post registry operator's internal review results.

**16. Under what circumstance will ICANN org publicly post a registry operator's internal review results?**

While it may do so at any time, ICANN org does not expect to publish internal review results except in extraordinary circumstances. Such circumstances may include whether the results raise public interest or community concerns.

ICANN org remains bound by the provisions of Section 7.15 of the Registry Agreement with respect to the disclosure of confidential information (to the extent any such confidential information is included in any results or certification).