



Community gTLD Change Request

October 01, 2019

Registry Operator
fTLD Registry Services LLC

Request Details
Case Number: 00937341

Service Description

This service request should be used to submit a request to modify the Community Registration Policies enumerated in Specification 12 of the Registry Agreement of a Community gTLD. A Community gTLD is defined as a gTLD that has a Registry Agreement with ICANN that includes Specification 12 with the section titled “Community Registration Policies” or “TLD Policies.” More information about the process is available at <https://www.icann.org/resources/pages/community-gtld-change-requests-en>.

As part of this process, submitted responses and supporting documentation will be published on the Community gTLD Change Request webpage for community consideration.

1. Description of the Community gTLD Change

1.1. Please describe the Community TLD’s current eligibility requirements and/or restrictions on use; how the community is governed; how the community’s input is gathered (i.e. mechanisms the RO has for the TLD community to “discuss and participate in the development and modification of policies and practices for the TLD”); and how any of these details are impacted by the Community gTLD Change Request.

The current eligibility requirements of the Community TLD (.BANK) and restrictions on use are available in the Registrant Eligibility, Name Selection and Acceptable Use / Anti-Abuse Policies accessible here: <https://www.ftld.com/policies/>. The Community TLD is governed by fTLD’s Board of Directors (the “Board”) taking into consideration input from fTLD’s Advisory Council (the “Council”) (see members’ list at <https://www.ftld.com/about>). The development and modifications of Registry Policies follow the Policy Development Process Policy (the “PDP Policy”) accessible at the above link. The PDP Policy includes consultation with the Council, which is comprised of representative organizations of the bank and insurance communities, and obtaining a vote of the Board, which is also comprised of representative organizations of the bank and insurance communities, for a new Registry Policy or changes to a Registry Policy.

fTLD Registry Services (fTLD) conducted aspects of community outreach (e.g., Public Comment) for .BANK and .INSURANCE at the same time because our governance structure

(i.e., Operating Management Team, Advisory Council and Board of Directors) is fully comprised of representatives from the bank and insurance communities. As fTLD is proposing identical changes to both Community TLDs, we believed it would be more efficient for internal and external stakeholders if the outreach was done at the same time.

As described in the Public Comment accessible here: <https://www.ftld.com/public-comments/>, the main changes to the .BANK Registrant Eligibility Policy include:

- addition of the word “retail” and “relevant” which adds clarity to how the Policy has been implemented since the launch in 2015 (e.g., investment and other non-retail banks are not eligible);
- addition of a defined term “Government Regulatory Authority” (which is added to the Definitions for Policies) to clarify what is meant by “relevant” and “retail”;
- removal of the Service Provider category 3.6;
- addition of the Board approval category 3.7 (to ensure fTLD has a mechanism for the Board’s authority to deem an organization or category of organizations eligible given the likelihood for the banking sector to continue to evolve); and
- addition of supervised parent/holding companies to the Policy itself.

The main changes to the Implementation Guidelines to the .BANK Registrant Eligibility Policy:

- provides a grandfathering provision for the organizations that have been approved under category 3.6 (i.e., as a Service Provider) to address their ongoing eligibility;
- describes the use restrictions for Service Provider Registrants eligible under Section 3.7 of this Policy: use of the domain name by Service Provider Registrant must predominantly support Regulated Entities and may not be used as the primary, consumer-facing domain of the Service Provider Registrant or in any marketing or promotional capacity; and
- for clarity, adds a non-exhaustive list of organizations not eligible under Section 3.7 of the Policy.

1.2. What is the motivation and rationale for this Change Request?

Since fTLD brought its verification process in-house in May 2018 (see Approved RSEP Request (Proposal 2017039) here: <https://www.icann.org/resources/pages/rsep-2014-02-19-en>), fTLD directly receives verification applications from organizations seeking to register domain names in the Community TLD. As a result, fTLD has seen applications within the Service Provider eligibility category (i.e., 3.6 of the .BANK Registrant Eligibility Policy) and many ultimately have not been eligible for the Community TLD. The receipt of many applications that were determined to be ineligible raised the need to discuss these applications with the Council and whether any Policy changes are warranted to clarify the purpose of the Service Provider category. As a result of fTLD’s consultation with our Council, they recommended and our Board voted in favor of revising the Service Provider category to allow the existing class of Registrants to remain eligible (i.e., grandfather them in), and to restrict further Service Provider applicants from entering the Community TLD. With the Board’s decision, fTLD is submitting this Change Request to provide clarity and transparency to the Community TLD (and prospective applicants seeking to join the Community TLD). In addition, the Board voted in favor of adding parent/holding companies supervised by the relevant Government Regulatory Authority to the Registrant Eligibility Policy.

1.3. What are the benefits to the TLD Community of the Community gTLD Change?

The benefits to the Community TLD are two-fold. First, changes to the Service Provider category ensure the integrity and security of the Community TLD by preventing third-parties who are only seeking to legitimize their existence in the financial services sector through owning and operating .BANK domain names, while providing the existing class of Service Providers a means to maintain their registrations with specific use restrictions. And second, the addition of parent/holding companies within the Registrant Eligibility Policy gives eligible Community members (e.g., banks) flexibility in how they wish to manage their domain registrations (i.e., their eligible parent/holding company can be the Registrant Organization).

1.4. What potential detriment would there be to the existing TLD Community as a result of the Change Request? If any, identify the group and explain what measures would be adopted to minimize the potential detriment.

The existing TLD Community supports this Change Request as evidenced by the Council's recommendation and vote in favor from the Board, and as a result there is no perception or potential this would result in detriment to the existing TLD Community. As noted above, the existing Service Provider Registrants remain eligible (i.e., grandfather them in). In addition, all Public Comment contributors were supportive of the Proposed Amendments to the Registrant Eligibility Policy for the Community TLD (see the Public Comment Report here: <https://www.ftld.com/public-comments/>). For some perspective, of the nearly 2,500 registrants of close to 4,800 domain names, a mere 27 registrants (~1%) have been approved as Service Providers and this is due to the highly restrictive nature of the Community TLD. With this Change Request, fTLD can protect the trust created through the use of the Community TLD between Registrants and their customers, and eliminate any damage to the reputation of Registrants and the Community TLD by preventing any third-party who is merely seeking legitimacy by attempting to own domain(s) within the Community TLD.

1.5. What are the benefits to the Registry Operator of the Community gTLD Change?

fTLD benefits from the transparency, implementation and administrative efficiencies that would result from the implementation of the Community TLD Change. The Community benefit from preserving the highly restrictive nature of the Community TLD, and ensuring the maintenance of high-trusted communication channels with their customers via the Community TLD. As a result of Community TLD Change, fTLD will ensure our ongoing distinguished reputation and perhaps gain some additional nominal brand reputational benefits due to the associated publicity of the Community TLD Change.

1.6. Please explain if this Community TLD Change will broaden or narrow the eligibility and/or name selection requirements. Please explain why you believe this Community TLD Change will not excessively broaden or narrow current eligibility and/or name selection requirements.

This Community TLD Change broadens the eligibility by adding eligible parent/holding companies, and provides a mechanism for the existing Service Providers to remain eligible, with

use restrictions for their domain registrations, but precludes further Service Providers from being eligible for the Community TLD under that category.

2. Consultation

2.1. Please describe with specificity your consultations with the TLD Community, experts, representative governing bodies and/or others (e.g., TLD registrants, end users). What were the quantity, nature, and content of the consultations?

fTLD held numerous sessions with our Operating Manager (i.e., collectively representatives from the American Bankers Association and Bank Policy Institute) on the Community TLD Change. In addition fTLD held two teleconference calls with the Council in April and June 2019, a teleconference call with the Board on 11 April 2019, and ultimately requested a vote from the Board to authorize this Change Request. The Board unanimously voted in favor of the Amendment to the Registrant Eligibility Policy for .BANK on 16 July, 2019. In addition, fTLD held a Public Comment period that opened on 25 July, 2019 and closed on 24 August, 2019. Please see attached Public Comment Communications document in Section 6.2 for details on the extensive outreach fTLD made to the TLD Community about the Public Comment. Information about the Public Comment and the Report are accessible here: <https://www.ftld.com/public-comments/>; the Report is also attached in Section 2.2. The Report details the overwhelming support expressed in the Public Comment Proceeding, and concludes there is no need for fTLD to make further adjustments to the Amendment to the Registrant Eligibility Policy for .BANK.

2.2. Please provide supporting documentation of this consultation.

fTLD_Public_Comment_Report_20190830.pdf

2.3. What policies and/or procedures did the Registry Operator follow in development of the Community gTLD Change? If applicable, please describe the Community gTLD's rules or standards that govern these types of changes.

fTLD followed our PDP Policy accessible here: <https://www.ftld.com/policies/>. See additional detail regarding governance as provided in response to Section 1.1 of this Request.

2.4. Did you conduct your own public comment period? If yes, please describe the results and explain the outcome, if any, on the proposed Community gTLD Change.

fTLD conducted a public comment period in accordance with the PDP Policy and there was overwhelming support expressed in the Public Comment Proceeding; the full Report is accessible here: <https://www.ftld.com/public-comments/> and attached in Section 2.2 of this Request. See also attached minutes reflecting the Board's Resolution approving the amendments to the .BANK and .INSURANCE Community TLDs in Section 2.6 of this Request.

2.5. Did you consult with the ICANN community, experts, and/or others? What were the quantity, nature, and content of the consultations?

fTLD consulted with its legal consultant who has expertise on domain policy matters, which is part of our business operations when considering a new Registry Policy or changes to a Registry Policy.

2.6. Please provide supporting documentation of the TLD Community's support.

fTLD-Board-Meeting-Minutes-20190716 (f) Redacted.pdf

2.6. Please provide supporting documentation of the TLD Community's support.

fTLD_Public_Comment_Report_20190830.pdf

3. Specification 12 Provisions

3.1. Please list the relevant Specification 12 provisions impacted by the Community gTLD Change.

The most relevant Specification 12 provision is Eligibility. fTLD is proposing other changes to clarify and/or streamline other provisions. Redlines of Specification 12 for the Community TLD is attached.

4. Contract Amendments

4.1. Please provide the draft contractual amendment for the Community gTLD Change.

Amendment No. 2 to .BANK Registry Agreement 20190917.docx

5. Timeline

5.1. Please describe the timeline for implementation of the Community gTLD Change.

Upon approval by ICANN for the Change Request, the Amended Policy will be implemented in accordance with its Amendment clause (i.e., posted on fTLD's website at least 15-calendar days before its effective date).

5.2. If approved, please explain how the changes would be communicated to the TLD Community.

fTLD will announce the change on our websites, via social media and direct communication to Registrants and fTLD-approved Registrars.

6. Other

6.1. Please describe any other relevant information related to the Community gTLD Change.

Attached in Section 6.2 are a Redline & Unmarked Specification 12; and the Public Comment Communications document referenced in Section 2.1. See also Redline & Unmarked copies of Changes to the Registrant Eligibility Policy for .BANK here:

https://www.ftld.com/public_comments/proposed-amendments-to-registrant-eligibility-policies-for-bank-and-insurance/ (in the second paragraph) and attached in Section 6.2.

6.2. Please provide any other supplementary documentation related to the Community gTLD Change.

Public Comment Communications 20190917 (f).pdf

6.2. Please provide any other supplementary documentation related to the Community gTLD Change.

SPECIFICATION 12 BANK Clean 20191001 (f).docx

6.2. Please provide any other supplementary documentation related to the Community gTLD Change.

SPECIFICATION 12 BANK Redline 20191001 (f).docx

6.2. Please provide any other supplementary documentation related to the Community gTLD Change.

fTLD-Registrant-Eligibility-Policy-BANK-DRAFT 20191001 clean (f).docx

6.2. Please provide any other supplementary documentation related to the Community gTLD Change.

fTLD-Registrant-Eligibility-Policy-BANK-DRAFT 20191001 redline (f).docx

6.3. Please describe if this Community gTLD Change Request will require updates to any other contractual or policy obligations to implement the change if this Change Request is approved.

Not applicable.

Attestation

I confirm that the Registry Agreement for which I am requesting the Community gTLD Change Request contains Specification 12 with the section titled “Community Registration Policies” or “TLD Policies.”

I hereby represent and warrant that I am a duly authorized person with the requisite power and authority to request a Community gTLD Change Request. I attest that the information contained herein, and all supporting documents submitted herewith, are true, accurate and complete in all respects.



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