



Community gTLD Change Request

December 4, 2020

Registry Operator
Comunidad de Madrid

Request Details
Case Number: 00980525

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 Registry Operator is Comunidad de Madrid, the Region of Madrid 's Government, and its management is delegated to Madrid Digital, an Agency specialized in digital services. The Comunidad de Madrid determines the .madrid policy as the steward of the public interest for the .madrid TLD. For the procedure followed by the Registry to gather comments on this change, please see response to question 2.1.

The current policy includes both registrant eligibility, name selection and use restrictions. These requirements are set in the Registry Agreement Specification 12 and read as follows: *Eligibility Two types of conditions must be fulfilled for the right to register a TLD name. These are: (A) community membership (bona fide presence in the Madrid area) and (B) the additional requirements that: i. the presence in Madrid area and use of domain are generally accepted as legitimate; ii. the presence in Madrid area and use of domain are conducive to welfare of the Madrid area; iii. the presence in Madrid area and use of domain are commensurate to role and importance of domain; iv. presence in Madrid area and use of domain are based on good faith at registration and thereafter.*

The change the Registry Operator is promoting is very simple: to remove the requirement that the domain name admin contact must have physical address in the Madrid area. Therefore, this change does not affect any of the above criteria, as it does not change registrant eligibility. It's only a change in the requirements for the appointed admin contact, which is not necessarily part of the .madrid community (the same thing happens to, ie. the tech contact)

These contacts are designed to assist the registrant, not to determine eligibility or make any decision on the domain name and its uses.

In addition, the postal address of the admin contact is a perfectly useless concept. no postal mail communication has been issued or will be issued by the Registry. Note that this is different for the registrant itself, where the postal address in itself may be relevant for eligibility compliance purposes and may be used for communications.

Finally, we should stress that all .madrid domain names are still individually checked and approved/rejected by the Registry operator staff. All domain names are created in pendingCreate status, even in the general availability period. And this will be so until the RO is confident that the .madrid registration policy is perfectly understood by all registrars and registrant, and will then be moved to post-verification. No relaxation of eligibility rules or their enforcement have occurred since the launch.

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

The rationale for the update is that the requirement for the admin contact to have physical presence in the Madrid region was an oversight during the application period. It was never the intention of the

Government of the Region of Madrid to require said physical presence, and this was only included as a possibility, following some - outdated - cctld practices.

In fact, this cctld practices apparently began with the perceived need to have someone subject to local jurisdiction and/or a "local address" where postal mail could be sent. In gTLDs both needs make little sense.

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

The change does not affect the community itself, but would benefit it by removing this unnecessary requirement. In this regard. Let us stress again that the admin contact as such is not part of the .madrid community but just a point of contact for the registrant, which is and remains the only addressee of the registration policy.

This measure will benefit two different types of perfectly legitimate and eligible registrants:

- a) eligible registrants with legitimate and effective activity in the .madrid area that do have legal seat elsewhere where they wish to act themselves as admin contacts.
- b) eligible registrants wishing to use their registrar as both admin and technical contact. As most .madrid accredited registrars are located outside the .madrid area, this represents a benefit for this type of registrants.

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.

No detriments are foreseen by the Government of the Region of Madrid. There is no material change to the eligibility, name selection or use requirements, as the admin contact is only a point of contact, and postal address does not play any effective role in current gTLD practices. The registrant is the only contact that determines if eligibility is met, if use according to the policies is met and if name selection can be justified, as the admin contact does not select the name, does not create the content associated with the domain name, nor is responsible for its use and is not affected by the eligibility requirements.

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

Registry operator will be released from the obligation to oversee and enforce an artificial, counterproductive, unnecessary and unwanted measure. Please bear in mind that the Registry operator is indicating that this measure was included as a mistake, is irrelevant for the eligibility requirements, and that such a measure has never been included in any ICANN policy or negotiation between the Registry and ICANN.

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.

Eligibility will remain unaffected, as eligibility concerns registrants only, and the physical presence requirement subject of this RSEP only concerns administrative contacts. This change does neither broaden nor narrow the eligibility requirements, as admin contacts are irrelevant to the eligibility of a registrant, or to the allocation of domain names to registrants.

This change does not affect eligibility name selection and use requirements as they are reflected in the current language of Specification 12 of the .madrid Registry Agreement.

In practical terms the "requirement" that we propose to remove couldn't be more irrelevant: .madrid Registry as we are convinced the overwhelming majority of the gTLD Registries has never used the postal address of the admin contact for any communications.

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?

A public consultation was opened by the Registry operator. Context is provided as to why this requirement was included in the first place, and why it is no longer advisable to keep it in the .madrid policies. It also made clear that this is not a change that would undermine any current or future registrant's position, as this only affected the selection of administrative contacts, and it didn't create any restrictions, just the

opposite, as it widened the possibilities to select administrative contacts beyond the region of Madrid. Please see:

https://dominio.madrid/en/doc/6-Cambio_condiciones_Generales_del_Registro.pdf

This communication was also sent to all registrars. 6 comments were received, and following these comments from the registrars, the legal services of the Registry Operator issued the report attached.

As shown by the responses, some registrars were confused by this requirement as it is useless and alien to the gTLD context. The Registry has further clarified with those parties the exact meaning of the proposed change. LUIS a contestar a los registradores.

2.2. Please provide supporting documentation of this consultation.

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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.

First of all we should stress that once again the proposed change does not affect in any sense the notion of community or the requirements of the community based registration policy for eligibility name selection and use. Having said that, the Registry Operator beyond its internal consultations involving the relevant departments, conducted a public communication available for comments and also reached out to all its accredited registrars to provide the rationale for the measure and to gather comments. As expected, not a single registrant or user felt compelled to reply or comment, and only six registrars replied. Some of them led by a confusion between admin contact and registrant requirements. This confusion has already been addressed and clarified by the Registry operator.

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.

yes, see response to Q 2.1 above, we provide the relevant excerpt, and report attached:

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a single registrant or user felt compelled to reply or comment, and only six registrars replied. Some of them led by a confusion between admin contact and registrant requirements. This confusion has already been addressed and clarified by the Registry operator.

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

All registrars were consulted. In addition, the Registry consulted with its own contractors and providers. Please see response to question 2.4 above and the report provided by the legal department of Madrid Digital for more details.

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

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3. Specification 12 Provisions

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

Registrants are further required to have an administrative contact in the Madrid area. This is verified in part automatically (through the postal code in the administrative contact record and by a human eye review pre-validation or post-validation). The administrative contact may be any person or entity having received and accepted the mandate to act as such for the respective domain. (The registrar may act as administrative contact.) Any communications addressed to the administrative contact are deemed to have been brought to the attention of the domain holder. Validation checks include machine and human verification of address accuracy. This provision will disappear

4. Contract Amendments

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

madrid Spec12_redlined_clean_20201021docx

5. Timeline

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

as soon as ICANN permits.

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

As in any registration policy update, this will be individually communicated to all registrars and published in the relevant section of the Registry Policies website.

6. Other

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

Please note that this is not a change in the eligibility requirements for registrants in .madrid, as this only affects administrative contacts.

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

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.

It will not, only Specification 12 of the contract will be affected.

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.”

Yes

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.

Yes

Affected TLDs

Current Registry Operator	Top Level Domain	Registry Agreement Date
Comunidad de Madrid	madrid	2014-05-01