Registry Data Escrow Agent Approval Criteria

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ICANN

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Introduction

An ICANN-approved registry data escrow agent is authorized by ICANN organization (org) to perform data escrow services for generic top-level domain (gTLD) registry operators.

Specification 2 of the base gTLD registry agreement (base RA), Part B, 1, states:

> *"1. Escrow Agent. Prior to entering into an escrow agreement, the Registry Operator must provide notice to ICANN as to the identity of the Escrow Agent, and provide ICANN with contact information and a copy of the relevant escrow agreement, and all amendments thereto. In addition, prior to entering into an escrow agreement, Registry Operator must obtain the consent of ICANN to (a) use the specified Escrow Agent, and (b) enter into the form of escrow agreement provided. ICANN must be expressly designated as a third-party beneficiary of the escrow agreement. ICANN reserves the right to withhold its consent to any Escrow Agent, escrow agreement, or any amendment thereto, all in its sole discretion."*

In order to operate as a registry data escrow agent, a prospective data escrow agent must successfully and satisfactorily complete ICANN org's application, including the sponsorship of at least one gTLD registry operator.

To sponsor an application, the registry operator must affirm via a signed letter addressed to ICANN org that the registry operator intends to engage the services of the potential data escrow agent upon the data escrow agent's approval by ICANN org. The prospective data escrow agent may not control, be controlled by, or be under common control with the sponsoring registry operator or the registry operator's parent, subsidiaries, or other affiliates entity. ICANN org may perform on-site inspections of the prospective data escrow agents facilities to assess suitability as a data escrow agent.

Qualification Criteria

ICANN org evaluates potential registry data escrow agent applications using the following criteria:

1. ## Experience

    1.1. Within the past ten years, data escrow agent applicant (DEA Applicant) must have at least five years experience in providing commercial data escrow services (as a data escrow agent). If DEA Applicant can demonstrate at least two years experience as a data escrow agent but not five years, the remaining required experience may be demonstrated through work in a similar field or capacity, provided that the full five year requirement can be met among all relevant experience and the additional experience reflects substantial suitability as a registry data escrow agent.

1.2.   Within the past three years, DEA Applicant must have at least two years experience in providing commercial, technology/data escrow services as a data escrow agent.

1.3.   Within the past ten years, DEA Applicant (including its parent or subsidiaries (or other affiliated entities), principals, managers, and significant shareholders/owners) must not have been convicted of or have pled guilty or no-contest (or the substantial equivalent) to any crime involving dishonesty or any felony (or the substantial equivalent of a felony).

1.4.   Within the past ten years, DEA Applicant (including its parent or subsidiaries (or other affiliated entities), principals, managers, and significant shareholders/owners) must have no significant history of litigation or formal enforcement action (including known, pending investigations) by any administrative, regulatory, judicial, legislative, law enforcement, or other governmental agencies. To the extent relevant to a DEA Applicant's qualification as a registry data escrow agent, ICANN org may consider matters settled without admission of wrong-doing or matters that are not yet resolved.

1.5.   Within the past ten years, DEA Applicant (including its parent or subsidiaries (or other affiliated entities) or predecessor entities) must not have been subject to litigation or arbitration and found liable for damages related to failure to perform its duties as a data escrow agent or for loss of unintentional release of data.

1.6.   DEA Applicant must be able to provide at least two verifiable and relevant client references.

2.   Operational Stability

2.1.   DEA Applicant must hold at least USD $1 million in Commercial General Liability (CGL) insurance coverage (or the substantial equivalent where CGL insurance is not available), naming ICANN as an "additional insured."

2.2.   DEA Applicant must have access to at least USD $250,00 (or the equivalent in another currency) in liquid capital, as demonstrated through audited financial statements or other readily verifiable documentation.

2.3.   DEA Applicant must be able to provide at least two verifiable trade references.

2.4.   DEA Applicant must have a customer support center operating 24x7x365.

2.5.   Customer support must be provided at least in English.

2.6.   The DEA Applicant must comply with one of the following:

       2.6.1.   Being an ICANN approved Third-Party provider of Registrar Data Escrow Services for the last two years.

       2.6.2.   Provide an ISO 27001 Certification covering the data escrow services. An accredited third party must award the certification.

3.   Infrastructure and Security

    3.1.   DEA Applicant must have access to at least two secure, environmentally sound, geographically diverse locations for storage of gTLD registry deposits. The two facilities must be at least Tier III as defined by the UptimeInstitute ™ . The DEA Applicant must comply with one of the following:

       3.1.1.   Provide a Tier III certification for each facility.

       3.1.2.   Provide evidence for each facility being Tier III equivalent.

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