

## ICANN Organization Report of Public Comment Proceeding Template (v4.0)

Proposed Renewal of .MUSEUM Sponsored Registry Agreement															
<b>Publication Date:</b>	18 October 2017														
<b>Prepared By:</b>	Karla Hakansson														
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #f2f2f2;"> <th colspan="2" style="text-align: left; padding: 2px;">Public Comment Proceeding</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Open Date:</td> <td style="padding: 2px;">24 August 2017</td> </tr> <tr> <td style="padding: 2px;">Close Date:</td> <td style="padding: 2px;">3 October 2017</td> </tr> <tr> <td style="padding: 2px;">ICANN Organization Report Due Date:</td> <td style="padding: 2px;">18 October 2017</td> </tr> </tbody> </table>		Public Comment Proceeding		Open Date:	24 August 2017	Close Date:	3 October 2017	ICANN Organization Report Due Date:	18 October 2017	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #f2f2f2;"> <th colspan="1" style="text-align: center; padding: 2px;">Important Information Links</th> </tr> </thead> <tbody> <tr> <td style="text-align: center; padding: 2px;"><a href="#">Announcement</a></td> </tr> <tr> <td style="text-align: center; padding: 2px;"><a href="#">Public Comment Proceeding</a></td> </tr> <tr> <td style="text-align: center; padding: 2px;"><a href="#">View Comments Submitted</a></td> </tr> </tbody> </table>		Important Information Links	<a href="#">Announcement</a>	<a href="#">Public Comment Proceeding</a>	<a href="#">View Comments Submitted</a>
Public Comment Proceeding															
Open Date:	24 August 2017														
Close Date:	3 October 2017														
ICANN Organization Report Due Date:	18 October 2017														
Important Information Links															
<a href="#">Announcement</a>															
<a href="#">Public Comment Proceeding</a>															
<a href="#">View Comments Submitted</a>															
<b>ICANN Organization Contact:</b>	Karla Hakansson	<b>Email:</b>	karla.hakansson@icann.org												
<b>Section I: General Overview and Next Steps</b>															
<p><b>General Overview</b></p> <p>ICANN posted for public comment the proposed agreement for renewal of the .MUSEUM Registry Agreement, which expires on 2 November 2017. The proposed .MUSEUM Registry Agreement is the result of discussion and agreement between ICANN and Museum Domain Management Association (MuseDoma).</p> <p>The proposed .MUSEUM Registry Agreement is based on the current .MUSEUM Registry Agreement and incorporates various terms of the approved new gTLD Registry Agreement modified for a legacy TLD and includes certain provisions incorporated into other recently renewed legacy gTLD Registry Agreements (such as the.TEL Registry Agreement, dated 28 February 2017).</p> <p>From 24 August 2017 through 3 October 2017, ICANN posted the proposed renewal of the .MUSEUM Registry Agreement for public comment. At the time this report was drafted, ICANN received five comments in the comment forum. Four comments from community members and one comment from MuseDoma in response to the community.</p> <p><b>Next steps</b></p> <p>As a next step, the ICANN Organization intends to further consider the proposed renewal of the .MUSEUM Registry Agreement taking into account the comments received in the comment forum and the comments from the Registry Operator. Thereafter, the proposed renewal of the .MUSEUM Registry Agreement will be considered by ICANN's Board of Directors.</p>															
<b>Section II: Contributors</b>															
<i>At the time this report was prepared, a total of five (5) community submissions had been posted to the forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting</i>															

*date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.*

Organizations and Groups:

<b>Name</b>	<b>Submitted by</b>	<b>Initials</b>
International Trademark Association	Lori Schulman	INTA
Business Constituency	Steve DelBianco	BC
Internet Commerce Association	Phil Corwin	ICA
Intellectual Property Constituency	Greg Shatan	IPC
MuseDoma	Marianne Georgelin	MD

**Section III: Summary of Comments**

*General Disclaimer: This section intends to summarize broadly the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific comments at the link referenced above (View Comments Submitted).*

The ICANN Organization received five comments from the community in the comment forum concerning the proposed renewal of the .MUSEUM Registry Agreement. Comments submitted generally fall into the following categories, each of which is explained in more detail below:

1. The inclusion of new gTLD Rights Protection Mechanisms (RPMs) and safeguards in legacy gTLDs.
2. The negotiation process for the proposed renewal of the .MUSEUM Registry Agreement and legacy gTLD Registry Agreement negotiations in general.
3. The transition of .MUSEUM from a “sponsored” TLD to a “community” TLD.

**1. Comments on the inclusion of new gTLD Rights Protection Mechanisms (RPMs) and safeguards in legacy gTLDs**

While the IPC and INTA applaud the voluntary adoption of rights protection mechanisms in the proposed .MUSEUM Registry Agreement, ICA and BC expressed concern over the addition of new gTLD RPMs, including Uniform Rapid Suspension (URS), into legacy gTLD Registry Agreements, via contract renewal, on various grounds, including that (i) RPMs are not Consensus Policy for legacy gTLDs, (ii) the view that incorporating RPMs into legacy gTLD Registry Agreements should be halted until the RPM working group completes its review of the RPMs and makes its final recommendations, and (iii) the view that GDD staff is setting substantive policy for gTLDs by adopting elements of the new gTLD registry agreement into amended and renewed Registry Agreements for legacy gTLDs.

- “While the URS and Spec. 11 PICs carry important substantive benefits in their own right they carry an additional benefit within the context of renewal of a legacy gTLD Registry Agreement namely, consistency. As ICANN has noted: ‘Transition to the new gTLD Registry Agreement will provide consistency across all registries leading to a more predictable environment for end-users...’ True to that sentiment, ICANN has bilaterally negotiated for transition to parts of the New RA, not only with .MUSEUM, but also with other legacy gTLDs like .TEL, .MOBI, .JOBS, .TRAVEL, .XXX, .CAT and .PRO. While that transition will take some time to achieve as the legacy gTLD Registry Agreements cycle through their respective renewals, the march of progress from ICANN’s negotiations with those various legacy gTLD registry operators has been steady.” (INTA)

the Registry Operator to prevent use of registrations for abusive purposes, including but not limited to violations of intellectual property rights. These enhanced Rights Protection Mechanisms include, but are by no means limited to, those contained in the base New gTLD Registry Agreement, including the Uniform Rapid Suspension (URS) procedure. The IPC also encourages Registry Operators to voluntarily adopt industry best practices beyond the minimum rights protections required by ICANN, such as adding new restrictions against abusive registrations, additional suspension mechanisms, implementing blocking prior to registration, and creating new dispute procedures. Specification 7 of the proposed .MUSEUM renewal Registry Agreement appears to fully accommodate the implementation of such voluntary best practices. The IPC also encourages ICANN to educate Registry Operators that the required RPMs are not a “ceiling” but a “floor” – the minimum required – and the Internet community is best served by Registry Operators that strive to go above and beyond the minimum by adopting industry best practices. We strongly believe that ICANN need not undertake a policy development process for Registry Operators to voluntarily implement new RPMs.” (IPC)

- “The inclusion of both URS and the PICs in yet another gTLD registry agreement underscores the importance of further safeguards for rights holders and the public in the registry agreements for the largest legacy gTLD registries. IPC reiterates its previously expressed position that this omission demands prompt correction, including during the two-year “future amendments” window provided in the recent extension of the .com Registry Agreement. See <https://forum.ican.org/lists/comments-com-amendment-30jun16/msg00078.html> ” (IPC)
- “The 2016 launch of the PDP Review of All Rights Protection Mechanisms in All gTLDs, which is tasked with recommending whether new gTLD RPMs should become Consensus Policy for legacy gTLDs, under its GNSO Council-approved Charter, makes it particularly inappropriate for GDD staff to continue seeking that de facto policy result in non-transparent, bilateral RA negotiations that contravene the policymaking process set forth in the Bylaws.” (ICA)
- “GDD staff should demonstrate their clear commitment to ICANN’s bottom-up policymaking process by ceasing and desisting from seeking top-down imposition of new gTLD RPMs in legacy gTLD RA negotiations until the RPM Review WG has completed its work reviewing those RPMs and its final recommendations – including whether those RPMs should become Consensus Policy -- have been acted upon by the GNSO Council and ICANN Board.” (ICA)
- “In the absence of such GDD self-restraint, the ICANN Board should declare an immediate moratorium on the imposition of new gTLD RPMs on legacy gTLDs through RA renewal negotiations until the above referenced PDP has been concluded, the GNSO Council has acted upon its recommendations, and any implementation and transition issues have been addressed.” (ICA)
- “GDD has proposed renewal of the .MUSEUM Sponsored Registry Agreement that incorporate elements of the base new gTLD registry agreement. The multi-stakeholder community has not, however, had an opportunity to fully deliberate on whether these elements should be required of the legacy sTLDs like .MUSEUM. This is at least the 5th instance in which the GDD has proposed such an amendment to a legacy TLD registry agreement. The BC sustains its procedural objection to these proposals, through which GDD staff unilaterally establishes a new *status quo* for registry agreements. By substituting its judgment instead of GNSO policy development, GDD exceeds its powers and overrides safeguards intended to preserve transparency and inclusion within the multi-stakeholder community.” (BC)

- “The GNSO has initiated a Policy Development Process (PDP) to review all RPMs at all gTLDs , and the working group Charter specifically tasks it with recommending whether any of the new gTLD program RPMs should become Consensus Policy and thereby applicable to legacy gTLDs. The working group tasked with evaluating these new RPMs does not expect to complete the task until late 2018. We wish to make clear at the outset that the BC’s concern is not in regard to the adoption of new gTLD rights protection mechanisms (RPMs) for legacy gTLDs. The BC has been a strong advocate for these RPMs as applied to new gTLD registries and this PDP continues to consider fundamental questions about how the new RPMs should function and how they could evolve in the future.” (BC)
- “The GNSO may ultimately articulate a Consensus Policy that calls for different measures for legacy gTLDs than are now being used with the new gTLDs. If GDD persists in forcing registries to adopt these pre-Consensus Policy RPMs, it may widely implement procedures that do not align with the GNSO’s ultimate conclusions. Further, as ICANN policy staff has recognized, application of the RPMs to legacy gTLDs raises certain transition issues that are not addressed by implementation via contract. Finally, in the absence of such RPMs being Consensus Policy, registrants may have legal grounds to question their imposition. GDD personnel continue to set substantive policy for gTLDs by adopting elements of the new gTLD registry agreement into amended and renewed RAs for legacy gTLDs.” (BC)

Additionally, one comment also urged ICANN Organization and MuseDoma to review the language used in Section 1 of Specification 11 of the proposed .MUSEUM Registry Agreement to make sure it is future-proofed.

- “We are pleased to see that among the PICs that MuseDoma will be taking on is commitment #1 involving the obligation only to accept registrations sponsored by accredited registrars that have signed up to the 2013 edition of the Registrar Accreditation Agreement. However, we urge the parties to review whether the specific language employed in Section 1 of Specification 11 is sufficiently future-proofed. It seems to lock the registry into accepting registrations only from registrar adhering to the RAA as approved by the Board in 2013, regardless of whether this version of the RAA is succeeded by a subsequent version, or even regardless of whether the 2013 RAA is amended in the future. IPC hopes that the 2013 RAA, which has many flaws and shortcomings, will be improved upon in the future; thus, it would be shortsighted to prohibit the .MUSEUM registry operator from doing business with responsible registrars that contractually commit themselves to future improved RAA provisions, or to require the registry operator to seek a contractual modification in order to do so.” (IPC)

## **2. Comments on the negotiation process for the proposed renewal of the .MUSEUM Registry Agreement and legacy gTLD registry agreement negotiations in general**

While one commenter expressed its support for the new gTLD Registry Agreement being the starting point for contract negotiations, two other commenters raised various concerns, including expressing the views that (i) the renewal negotiation process should be more open and transparent, (ii) incorporation of the RPMs intrudes upon and debases ICANN’s legitimate policymaking process, and (iii) ICANN Organization is effectuating policy through bilateral contract negotiations:

- “INTA agrees with ICANN that the New RA has important ‘technical and operational advantages’ and ‘benefits to registrants and the Internet community’ over earlier, outdated versions. As such, INTA supports bilateral negotiations between ICANN and legacy gTLD registries in order to transition (as much as is possible) to the New RA at renewal time.” (INTA)
- “The Global Domains Division of ICANN should encourage innovation by engaging with Registry Operators during the amendment process and affording them the opportunity to adopt practices that suit their circumstances. Furthermore, that process should also be more open and transparent, because it can have potentially wide-ranging consequences for the broader community.” (IPC)

- “Given the history of flimsy and self-serving justifications by GDD staff and the ICANN Board for similar actions taken in 2015, we are under no illusion that this comment letter will likely be successful in effecting removal of the URS and other new gTLD RA provisions from the revised .MUSEUM RA. Nonetheless, we strenuously object to this GDD action that intrudes upon and debases ICANN’s legitimate policymaking process, and urge the GDD and Board to reconsider their positions, and to ensure that GDD staff ceases and desists from taking similar action in the context of future RA renewals and revisions until the RPM Review WG renders the community’s judgment as to whether the URS and other new gTLD RPMs should become Consensus Policy and such recommendation is reviewed by GNSO Council and the ICANN Board.” (ICA)
- “By circumventing ICANN Bylaws, GDD personnel are undermining the fundamental principles of transparency and inclusion that are core tenets of ICANN’s mission GDD personnel are effectuating policy through bilateral negotiations with registry operators, and the final outcome is only subject to the larger community’s review by way of the publication of these proposed RA amendments and solicitation of responsive public comments.” (BC, ICA)
- “A lack of transparency underscores why these policy decisions must be made through the open and inclusive procedures required of the GNSO. The proposed renewal agreement for .MUSEUM grants its registry operator substantial concessions by allowing it to essentially convert the gTLD to one with arguably fully open registrant eligibility criteria, yet the negotiations that led to this concession by ICANN and the registry operator’s agreement to adopt the above referenced RPMs was completely opaque.” (BC)

One commenter suggested changes for future contract negotiations:

- “... the BC again opposes the renegotiation of material economic aspects of Registry and Registrar Agreements (such as vast expansion of eligible registrants), while also trying to induce the registry or registrar to adopt non- consensus policy. The policies of ICANN are set by its stakeholders. The economics of contracts are ultimately decisions of the ICANN Board, even though stakeholder groups and constituencies have the opportunity to comment on such modifications. ICANN staff and the ICANN board should seek to bifurcate any such discussions about economic and policy matters during contract renegotiations, so as to preserve the integrity of the policy-making decisions of ICANN’s SOs and ACs.” (BC)

**3. Comments expressing concerns about the eligibility requirements for .MUSEUM transitioning from a “sponsored” TLD to a “community” TLD are inconsistent with the “community” definition adopted for the new gTLD program.**

Both the BC and ICA expressed concerns regarding (i) the modified registration eligibility requirements, and (ii) the transition of .MUSEUM from a “sponsored” TLD to a “community” TLD without the controls and tests used to judge Community TLD applicants in the new gTLD program.

- Eligibility requirements have been expanded such that registrations will be granted to museums, professional associations of museums, individuals with an interest or a link with museum profession and /or activity, or bona fide museum users. The provisions regarding (i) delegated authority; (ii) selection of registrars; (iii) existing sponsor services; and (iv) community related registrations have been deleted. (Emphasis added) That “bona fide museum users” provision arguably turns this Sponsored TLD into an open TLD. As a practical matter, anyone can register a .museum domain name since there is no requirement for registrants to document that they actually “use” any museums nor any practical means of verification. (ICA)

- “We question whether such users – more accurately described as casual visitors – share any sense of a distinct community among themselves, much less with individuals who frequent the world’s great museums of art, science, and history. This proposed class of eligible registrants is indistinguishable from the general public, and the general public cannot constitute any recognized community for gTLD purposes.” (ICA)
- “... we believe that the proposed RA should delete “bona fide museum users” from the list of eligible registrants; and that the term “individuals with an interest or a link with museum profession and /or activity” should likewise be tightened to require that the “interest” be one that is demonstrated or documented.” (ICA)
- “Eligibility requirements have been expanded such that registrations will be granted to museums, professional associations of museums, individuals with an interest or a link with museum profession and/or activity, or bona fide museum users. The provisions regarding (i) delegated authority; (ii) selection of registrars; (iii) existing sponsor services; and (iv) community related registrations have been deleted. The provision regarding the Charter Eligibility Dispute Resolution Policy has also deleted. Disputes are to be resolved under the Eligibility Restrictions Dispute Resolution Policy or the Compliance Reconsideration Dispute Resolution Policy. (Emphasis added)” (BC)
- “Even if .MUSEUM were arguably a Community TLD, these RA renewal negotiations stand in stark contrast to the very tight controls and tests used to judge Community TLD applicants in the new gTLD program. The bar was set very high, including a rigorous contention set evaluation process that resulted in most affected community applicants learning they weren’t qualified and therefore could not avoid going to auction against other applicants in a contention set. We cannot imagine that any new gTLD application which proposed a restriction to “bona fide users” of the TLD string term would have passed muster if challenged as being a bona fide Community Applicant. So GDD appears to be creating a major discrepancy between the very tight definition of community TLD transparently used in new gTLD application evaluations, and the very loose one accepted here in a RA renewal shaped behind closed doors.” (BC, ICA)

#### **Section IV: Analysis of Comments**

*General Disclaimer: This section intends to provide an analysis and evaluation of the comments submitted along with explanations regarding the basis for any recommendations provided within the analysis.*

ICANN Organization appreciates all the comments and suggestions submitted to the public forum for the proposed renewal of the .MUSEUM Registry Agreement and also the concerns expressed over the negotiation process between ICANN Organization and MuseDoma.

##### **1. Comments on the inclusion of new gTLD Rights Protection Mechanisms (RPMs) and safeguards in legacy gTLDs**

ICANN Organization acknowledges the comments submitted for the proposed renewal of the .MUSEUM Registry Agreement and notes that the proposed renewal of the .MUSEUM Registry Agreement is the result of negotiations between ICANN Organization and MuseDoma.

The proposed renewal agreement for .MUSEUM includes revised covenants and obligations related to security and stability to more closely align to the terms of the New gTLD Registry Agreement, including the following provisions and specifications: (1) consensus and temporary specifications and policies, (2) data escrow

requirements and procedures, (3) monthly reporting, (4) publication of registration data, (5) reservation of domain names, (6) definition of Registry Services and requirements to offer additional services, (7) performance specifications for the operation of the TLD, (8) registry interoperability and continuity, (9) rights protection mechanisms, (10) incorporation of the Registry Code of Conduct and Public Interest Commitments and (11) the emergency transition process.

With respect to legacy gTLDs' adopting the Uniform Rapid Suspension (URS) in their renewal Registry Agreements as well as the inclusion of the URS and safeguards in the proposed renewal of the .MUSEUM Registry Agreement, two commenters argued that the URS should only be added to legacy gTLD Registry Agreements only after a full Policy Development Process (PDP) and that including the URS in legacy gTLD Registry Agreements via a contract renewal or amendment process is an unacceptable ICANN Organization intervention into the policymaking process. Conversely, the other two commenters expressed support for the inclusion of the URS through the proposed renewal of the .MUSEUM Registry Agreement and, one commenter, disagreed with ICA's and BC's position that MuseDoma adoption of URS circumvents the ongoing PDP.

It should be noted that the URS was recommended by the Implementation Recommendation Team (IRT) as a mandatory RPM for all new gTLDs. In [the IRT Final Report](#), the IRT stated that "Therefore, the IRT recommends that ICANN Organization implement the URS, which would be mandatory for all new generic Top Level Domain (gTLDs), implemented through the new gTLD Registry Agreements, which would in turn bind registrars supplying new gTLDs to the marketplace."

Although the URS was developed through the process described above, including public review and discussion in the GNSO, it has not been adopted as a consensus policy and ICANN has no ability to make it mandatory for any gTLDs other than those subject to the base new gTLD Registry Agreement. Accordingly, ICANN has not moved to make the URS mandatory for any legacy gTLD. In the case of the proposed renewal of the .MUSEUM Registry Agreement, as well as other legacy gTLD Registry Agreement renewals (namely, .MOBI, .TEL, .CAT, .TRAVEL, .PRO, and .JOBS) inclusion of the URS was agreed to via bilateral negotiations between the applicable registry operator and ICANN organization. Additionally, there is nothing restricting registry operators from imposing additional rights protection mechanisms, such as the URS, in other ways, such as through the Registry Services Evaluation Policy (RSEP) process.

Greg Shatan from the IPC stated that "the inclusion of both URS and the PICs in yet another gTLD Registry Agreement underscores the glaring omission of these safeguards for right holders and the public from the Registry Agreements for the largest legacy gTLD registries...". As stated above, the URS is mandatory for new gTLDs, however, ICANN is not empowered to make it mandatory for legacy gTLDs. Inclusion of the URS in other "legacy" TLDs may be included upon agreement of both ICANN Organization and the Registry Operator or if adopted as Consensus Policy.

Finally, Mr. Shatan (IPC) further suggested that ICANN and registry operator should review the language used in Section 1 of Specification 11 of the proposed .MUSEUM Registry Agreement to make sure it is future-proofed. The language used in Section 1 of Specification 11 is the same language used in all other legacy gTLD Registry Agreements. If a new registrar accreditation agreement is developed in the future, ICANN will develop an approach at that time as to how it will be implemented.

## **2. Comments on the negotiation process for the proposed renewal of the .MUSEUM Registry Agreement and legacy gTLD Registry Agreement negotiations in general**

ICANN organization acknowledges the comments expressing concern over renewal negotiations taking place in a non-transparent manner. It should be noted that all registry operators have the ability to negotiate the terms of their Registry Agreement with ICANN organization, which inherently means discussions are between the two contracted parties – ICANN and the applicable registry operator. The proposed renewal of the .MUSEUM Registry Agreement is the result of this established process. Similarly, registry operators for both new gTLDs and legacy gTLDs may avail themselves of the process. The process itself is straightforward. ICANN organization and the Registry Operator engage to discuss whether to renew the agreement in its current form or transition all or part of it to the New gTLD base Registry Agreement. Once the parties agree on the form of agreement, a draft renewal is produced by ICANN for review and comment by the registry operator. Once both parties agree on the terms of the proposed renewal Registry Agreement, ICANN invites the community to comment on the agreement through the public comment process in order to collect valuable community input before proceeding.

## **3. Comments expressing concerns about the eligibility requirements for .MUSEUM transitioning from a “sponsored” TLD to a “community” TLD are inconsistent with the “community” definition adopted for the new gTLD program.**

ICANN acknowledges the comments regarding the eligibility requirements for .MUSEUM as outlined in Specification 12 versus the requirements new community gTLD applicants are required to have in their registration policies. Following a review of the proposed registration policies for .MUSEUM, ICANN organization determined that no edits were needed to address the comments. Further, ICANN notes that the registry is taking the required steps to ensure the registration policies are consistent with the other “community” TLDs by (1) implementing restrictions on what persons or entities may register .MUSEUM domain names, (2) outlining restrictions on how .MUSEUM domain names may be used, (3) maintaining mechanisms to enforce eligibility requirements, and (4) instituting post-validation procedures to protect the credibility of the .MUSEUM TLD. Further, as a legacy TLD, the registry operator for .MUSEUM has the right to make changes under their Appendix S charter and not be subject to the Community Priority Evaluation (CPE) applicable to new gTLDs.

Following a review of the comments posted, MuseDoma sent a correspondence to ICANN confirming their commitment to adhering to the provisions outlined in Specification 12:

*Further to the Business Constituency (BC) and the Internet Commerce Association (ICA) comments on the renewal of .museum Registry Agreement, MuseDoma welcomes the opportunity to provide inputs on how the .museum Registry will mitigate the risks pointed out by the two community constituencies.*

*International Council of Museums (“ICOM”) is a Public Interest Organisation created in 1946 by and for museum professionals. It is a unique network of more than 37,000 members and museum professionals who represent the global museum community.*

*ICOM sets standards for museums in design, management and collections organisation. The ICOM Code of Ethics for Museums is a reference in the global museum community. It establishes minimum standards for professional practices and achievements for museums and their employees.*

The .museum top-level domain (TLD) is a unifying label on the Internet, developed by ICOM through MuseDoma, exclusively for the global museum community. Providing information and resources to the public, and a clear identity for museums and the resources they offer, .museum is the place to find museums – enabling their definite recognition as a basis for sharing and accessing information on museums worldwide.

### **.museum Registration Policies**

As described in Specification 12 of the Registry Agreement, .museum Registration Policy will provide:

(1) Restrictions on what persons or entities may register .museum domain names, provided the scope of this Specification 12 is not exceeded;

(2) Restrictions on how .museum domain names may be used, provided the scope of this Specification 12 is not exceeded;

(3) Mechanisms for enforcement of the restrictions in items (1) and (2) above, including procedures for cancellation of registrations;

(1) With regards to restrictions on what person or entities may register .museum domain name, (eligibility criteria), Registrations shall be granted only to :

- (i) entities that are museums (as defined hereafter),
- (ii) professional associations of museums,
- (iii) individuals with an interest or a link with museum profession and/or activity, or
- (iv) bona fide museum users.

The basic definition of a “museum” is provided in Article 2, Paragraph 1 of the Statutes of ICOM, as amended:

« A museum is a non-profit, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment. »

(2) Regarding restrictions on how .museum domain names may be used, the Registry will verify that additional conditions are fulfilled by the Registrants. For example, at the time of the registration, Registrants will undertake not to:

- A) use their .museum domain name in a manner contrary to the ICOM Code of Ethics for Museums ([http://icom.museum/fileadmin/user\\_upload/pdf/Codes/ICOM-code-En-web.pdf](http://icom.museum/fileadmin/user_upload/pdf/Codes/ICOM-code-En-web.pdf)) ;
- B) use their .museum domain name in violation of any rights of third-parties, including intellectual property rights;
- C) use their .museum domain name to offer third level domain registrations to third parties as a commercial Registry Operator type service;
- D) use their .museum domain name to send unsolicited commercial advertisements in contradiction with the applicable legislation;

- E) *distribute malware, abusively operate botnets, resort to phishing, piracy, violate intellectual property rights, use fraudulent or deceptive practices, counterfeit, or otherwise engage in any activity contrary to any applicable law ;*
- F) *use their .museum domain name in a manner that may damage or bring into disrepute the name, image or reputation of MuseDoma or ICOM, their partners and/or the .museum community.*

*(3) Registry will implement mechanisms for enforcement of the restrictions in items (1) and (2) above, including procedures for suspension and cancellation of registrations;*

*The Registry will proceed to post-validation on the basis of eligibility criteria, through a targeted random validation process or upon request of a third party. Validation will include checks about the registered domain name actual use. Documentation or proof will be required from the registrant: eligibility will often most easily be demonstrated by membership in ICOM or another professional museums association.*

*The purpose of the enforcement mechanisms is to protect the credibility of the .museum TLD for its worldwide public. In particular, to uphold the community-based purpose of the .museum TLD and help prevent misuse or malicious behavior.*

*If the actual use cannot be deemed legitimate or has a negative impact on the .museum community, the registration will be suspended and/or cancelled. If content or use of an existing .museum domain demonstrates that the registrant has shown bad faith, the domain name will also be suspended and/or cancelled.*

*An appeals process is available for all administrative measures taken in the framework of the enforcement mechanisms. This appeals process is managed both by .museum registry service provider and by MuseDoma.*

*Disputes concerning domain name registrations made in violation of .museum eligibility criteria shall be resolved under .museum Eligibility Restrictions Dispute Resolution Policy (the "ERDRP").*

*Disputes concerning a lack of compliance with the use restrictions provided in the Registration Policy shall be resolved under .museum Compliance Reconsideration Dispute Resolution Policy (the "CRDRP").*

*Both ERDRP and CRDRP procedures are described in the .museum Registration Policy published on the .museum website.*

**Next Steps:** *Following the completion of the public comment process, the proposed renewal of the .MUSEUM Registry Agreement will be considered by ICANN's Board of Directors.*