



Registry Services Evaluation Policy (RSEP) Request

April 12, 2019

Registry Operator

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Request Details

Case Number: 00920157

This service request should be used to submit a Registry Services Evaluation Policy (RSEP) request. An RSEP is required to add, modify or remove Registry Services for a TLD. More information about the process is available at <https://www.icann.org/resources/pages/rsep-2014-02-19-en>

Complete the information requested below. All answers marked with a red asterisk are required. Click the Save button to save your work and click the Submit button to submit to ICANN.

PROPOSED SERVICE

1. Name of Proposed Service

Complying with Local Law

2. Technical description of Proposed Service. If additional information needs to be considered, attach one PDF file

Preliminary note: This RSEP is being submitted by Afilias Limited only on behalf of the following Afilias (the "Registry Operator") top-level domains:

Afilias Limited
archi

bio
black
blue
green
lotto
organic
pet
pink
poker
promo
ski
xn--6frz82g

Registry Operator is seeking to comply with certain applicable local laws which require the submission of accurate data for storage in the Registry database and the subsequent checking of that information to ensure it is correct. Registry Operator implements this under its abuse policy and existing technical functionality which authorizes the suspension of names for violating applicable laws. ICANN has insisted that doing so constitutes a change in the Registry Services that comprise Domain Registration, and therefore requires an RSEP. Registry Operator disagrees with this premise, and believes the service is authorized under the abuse parameters of the contract. Nevertheless Registry Operator is submitting this RSEP for ICANN's review and approval.

The process works as described below:

1. Domain names continue to be registered at Afiliars (the Registry Operator or Registry Services Provider) by registrars.

Names appear in WHOIS and the zone file as normal after registration.

2. Certain national laws require that within a proscribed timeframe that:

a. Domain names are in themselves legal in national law (Domain Name Validation "DNV")

b. Registrant's Real Names are validated (Real Name Validation "RNV")

3. Registry Operator (either directly or via a third party with suitable qualifications authorized by Registry Operator) tracks

domain name registrations for which the particular national law applies and ensures that within the prescribed time frame the domain names must pass any relevant DNV and RNV. If certain names do not pass, then they are treated as abusive registrations as they are not consistent with the applicable law.

4. Where a name is to be treated as an abusive registration in this setup, a notification is sent to the Registry Services Provider and appropriate action is taken in accordance with the current status of the domain to appropriately alter the server statuses that are applied, delete or otherwise alter the state of the domain name.

If additional information needs to be considered, attach one file

CONSULTATION

3. Please describe with specificity your consultations with the community, experts and or others. What were the quantity, nature and content of the consultations?

Registry Operator's consultations with the community are described below.

3a. If the registry is a sponsored TLD, what were the nature and content of these consultations with the sponsored TLD community?

N/A

3b. Were consultations with gTLD registrars or the registrar constituency appropriate? Which registrars were consulted? What were the nature and content of the consultation?

Registry Operator has consulted with various registrars who have strongly encouraged Registry Operator to implement the DNV and RNV processes. Without these processes being implemented, impacted registrants would be unable to use their domain names due to noncompliance with national laws, and consequently registrars receive many complaints from impacted registrants.

3c. Were consultations with other constituency groups appropriate? Which groups were consulted? What were the nature and content of these consultations?

No.

3d. Were consultations with end users appropriate? Which groups were consulted? What were the nature and content of these consultations?

No.

3e. Who would endorse the introduction of this service? What were the nature and content of these consultations?

All registrants and registrars who are affected by the applicable national laws would endorse Registry Operator's effort to comply with these laws.

3f. Who would object the introduction of this service? What were (or would be) the nature and content of these consultations?

We are not aware of significant objections to Registry Operator's compliance with national laws in this manner.

TIMELINE

4. Please describe the timeline for implementation of the proposed new registry service.

Registry Operator is already carrying out the processes required to comply with national law, as also required by the Registry Agreement.

BUSINESS DESCRIPTION

5. Describe how the Proposed Service will be offered.

Registry Operator requires that domain names that are registered are legal in form and contain accurate data as required by local laws. If a name is not legal in form Registry Operator will suspend the name under its abuse policies. If a name does not contain data sufficiently accurate under local law Registry Operator will suspend the domain name under its abuse policies as it is de facto in breach of local law.

6. Describe quality assurance plan or testing of Proposed Service.

Registry Operator requires registrars to ensure that they provide accurate data for registrants. Registry Operator has also engaged a local provider suitably qualified to advise on accuracy and compliance with local laws.

7. Please list any relevant RFCs or White Papers on the proposed service and explain how those papers are relevant.

N/A

CONTRACTUAL PROVISIONS

8. List the relevant contractual provisions impacted by the Proposed Service.

No contractual provisions are impacted, since Registry Operator is not providing any new Registry Service.

However, if ICANN were to require a change, then the following would be added to Exhibit A: “Registry Operator may perform registration validation to comply with applicable local law in a given jurisdiction. The registration validation process, by which the Registry Operator subjects domain name registrations to validation, will be subject to the criteria required by the applicable local law in the jurisdiction. Domain names that are subject to the registration validation process in the subject jurisdiction that do not pass registration validation in that jurisdiction may be suspended, deleted or otherwise updated by the Registry Operator as required by applicable local law.”

8a. If the request is permissible under an existing provision in the agreement, and will not need an amendment, please identify the provision.

9. What effect, if any, will the Proposed Service have on the reporting of data to ICANN.

None.

10. What effect, if any, will the Proposed Service have on the Whois?

None.

If additional information needs to be considered, attach one PDF file.

11. What effect, if any, will the proposed service have on the price of a domain name registration?

None.

If additional information needs to be considered, attach one file.

CONTRACT AMENDMENTS

12. Please describe or provide the necessary contractual amendments for the proposed service

Since this is not a new registry service, no amendment to the Registry Agreement is necessary. If however ICANN were to require the Registry Agreement to be amended then we suggest that it be covered in Exhibit A as follows:

“Registry Operator may perform registration validation to comply with applicable local law in a given jurisdiction. The registration validation process, by which the Registry Operator subjects domain name registrations to validation, will be subject to the criteria required by the applicable local law in the jurisdiction. Domain names that are subject to the registration validation process in the subject jurisdiction that do not pass registration validation in that jurisdiction may be suspended, deleted or otherwise updated by the Registry Operator as required by applicable local law.”

BENEFITS OF PROPOSED SERVICE

13. Describe the benefits of the Proposed Service.

This service will allow impacted registrants of the domain names under the mentioned TLDs to continue to register and renew domain names and to legally use their domain names once they are registered.

COMPETITION

14. Do you believe your proposed new Registry Service would have any positive or negative effects on competition? If so, please explain.

Ensuring data is legal and accurate and in compliance with local law will ensure competition exists within local national markets.

15. How would you define the markets in which your proposed Registry Service would compete?

Any market where registrants are legally required to provide accurate registration information.

16. What companies/entities provide services or products that are similar in substance or effect to your proposed Registry Service?

All registries are required to comply with applicable national laws. To our knowledge, a few other registry operators also implement these processes.

17. In view of your status as a registry operator, would the introduction of your proposed Registry Service potentially impair the ability of other companies/entities that provide similar products or services to compete?

No.

18. Do you propose to work with a vendor or contractor to provide the proposed Registry Service? If so, what is the name of the vendor/contractor, and describe the nature of the services the vendor/contractor would provide.

Yes. In our current implementation CNNIC will work with Afiliias to carry out the RNV processes to comply with local law.

19. Have you communicated with any of the entities whose products or services might be affected by the introduction of your proposed Registry Service? If so, please describe the communications.

N/A

20. Do you have any documents that address the possible effects on competition of your proposed Registry Service? If so, please submit them with your application. (ICANN will keep the documents confidential).

None.

If additional information needs to be considered, attach one PDF file.

SECURITY AND STABILITY

21. Does the proposed service alter the storage and input of Registry Data?

No.

22. Please explain how the proposed service will affect the throughput, response time, consistency or coherence of responses to Internet servers or end systems.

No effect.

23. Have technical concerns been raised about the proposed service, and if so, how do you intend to address those concerns?

None.

OTHER ISSUES

24. Are there any Intellectual Property considerations raised by the Proposed Service?

None.

If additional information needs to be considered, attach one PDF file.

25. Does the proposed service contain intellectual property exclusive to your gTLD registry?

None relevant to this submission.

26. List Disclaimers provided to potential customers regarding the Proposed Service.

None.

If additional information needs to be considered, attach one PDF file.

27. Please provide any other relevant information to include with the request.

None.

Click the Save button to save your work and click the Submit button to submit to ICANN.

Affected TLDs

Current Registry Operator	Top Level Domain	Registry Agreement Date
Afilias plc	archi	2014-02-06
Afilias plc	bio	2014-03-06
Afilias plc	black	2014-01-16
Afilias plc	blue	2013-11-07
Afilias plc	green	2014-05-08
Afilias plc	lotto	2014-04-10
Afilias plc	organic	2014-03-27
Afilias plc	pet	2015-05-07
Afilias plc	pink	2013-10-01
Afilias plc	poker	2014-07-03
Afilias plc	promo	2014-12-18
Afilias plc	ski	2015-04-09
Afilias plc	xn--6frz82g	2013-09-23