**Proposal for Renewal of the .NET Registry Agreement**

**Commercial & Business Users Constituency Submission**

**GNSO//CSG//BC**

Status: Draft

Version: 1.0

3 May 2011

**Submission:**

ICANN has posted for review a proposed draft renewal agreement for the operation of the .NET registry by Verisign. Currently, all gTLD registry agreements provide for presumptive renewal assuming that requirements are met.

The Business Constituency (BC) notes that the proposed renewal agreement from Verisign includes modifications to bring the .NET agreement into line with other comparable agreements (e.g. BIZ, COM, INFO, ORG), including terms such as traffic data, limitation of liability, indemnification, assignment, and notice provisions.

The BC also recognizes that Verisign has requested a change to give more flexibility for the registry to take action to prevent the registration of particular domain names when necessary in order to protect the security and stability of the DNS and the Internet. In addition, Verisign has requested more flexibility to offer training, technical support, marketing or incentive programs for the purpose of supporting the development of the Internet in underserved markets.

While the BC generally supports the renewal of the .NET registry agreement including Verisign’s requested changes, the BC recommends that the .NET registry adhere to selected requirements mandated by the new gTLD Program. In particular, the BC requests that the requirements for Thick Whois, Trademark Claims service, and Uniform Rapid Suspension are included in the renewal agreement for the operation of the .NET registry.

Outlined below is the rationale for this request.

**Collection, Maintenance and Dissemination of Thick Whois**

To address issues of fraud, infringement and consumer safety; to determine ownership and registration status; and to enhance user confidence; business users, in particular, rely on access to timely, unrestricted and public access to a centralized source of Whois information including registrant, technical, billing and administrative contact information. The collection, maintenance and dissemination of this information by the .NET registry, as opposed to hundreds of registrars, will help to ensure that data is unrestricted and publicly available.

Several PDP working groups have concluded that consistent, standards-based thick WHOIS across all registries would address a number of operational issues as well. For example, the IRTP-B Working Group notes in their draft final report that “thin” registries make it more complicated for the gaining registrar to contact the registrant to confirm that they in fact want to transfer the domain away from the losing registrar. A “thick” registry (where contact information is stored at the registry rather than the registrars) would dramatically reduce this problem. The BC supports this view.

THE IRTP-B WG also notes that current WHOIS status messages vary quite a lot between registrars and registries which is confusing and causes operational problems for registrants, registrars and registries. The BC also supports this position.

And finally, the Registration Abuse Working Group found that “basic accessibility of WHOIS has an inherent relationship to domain registration process abuses, and is a key issue related to the malicious use of domain names. It appears that WHOIS data is not always accessible on a guaranteed or enforceable basis, is not always provided by registrars in a reliable, consistent, or predictable fashion, and that users sometimes receive different WHOIS results depending on where or how they perform the lookup. There may also be issues with the enforcement of existing obligations. These issues interfere with registration processes, registrant decision-making, and with the ability of parties across the Internet to solve a variety of problems.” The BC believes that migrating the .NET registry to a thick WHOIS platform would mitigate many of the issues outlined in the Registration Abuse PDP report.

**Support for Trademark Claims Service**

The Trademark Claims service is intended to provide clear notice to a Registrant that a domain submitted for registration is included in the Trademark Clearinghouse and that to the best of the Registrant’s knowledge, the registration and use of the requested domain name will not infringe on the rights that are the subject of the notice.

While there are issues with the Trademark Claims service due to the fact that only exact matches receive notification, the BC believes that some notification to registrants and potential infringers, better than no notification.

The BC understands that the Trademark Claims service can only be implemented when the TM Clearinghouse becomes publicly available, and believes that reviewing its operation in a stable, secure environment will potentially provide valuable feedback.

**Support for Uniform Rapid Suspension**

The Uniform Rapid Suspension (URS) is intended to provide a cost-effective, expedited process for the suspension of clearly infringing domains. Again, while there are issues with the fact that a transfer mechanism does not exist, the BC believes that the URS should be implemented when it becomes publicly available.

In conclusion, as the new gTLD program is set to be finalized on June 20th, 2011 and the .NET agreement does not expire until June 30th, 2011, the BC requests that the .NET registry operated by Verisign adhere to the selected new gTLD requirements described above.

**Constituency Support:**

**Rapporteur for this Discussion Draft:** Elisa Cooper

**Level of Support of BC Members:**

This document was posted to BC members for review and comment on 3-May-2011.

.