



IPC Reply Comments on
Proposed Renewal of .BIZ gTLD Registry Agreement
July 15, 2013

The GNSO Intellectual Property Constituency appreciates this opportunity to comment on renewal of the .BIZ Registry Agreement. See <http://www.icann.org/en/news/public-comment/biz-renewal-03jun13-en.htm>.

Applicability of New gTLD Rights Protection Mechanism

The IPC urges ICANN to amend the .BIZ contract to provide for a timely and reasonable transition to the applicable consumer protection mechanism - the Uniform Rapid Suspension (URS) system - that will be required for all new gTLDs. In particular, the .BIZ renewal should incorporate a commitment to adopt the URS if, after a review of its functioning in the new gTLDs, the URS appears to be reasonably effective in achieving its objectives.

In this context it is worth noting that the draft agreement (1) provides for automatic renewal at the expiration of term (2019), without changes other than those reflected in the five other largest gTLD agreements (section 4.2); and (2) lacks the so-called 'unilateral amendment' process (even though the final version of that process is a shadow of its former self) that is in the new gTLD registry agreement. As a result, it may be impossible to incorporate improvements in the .BIZ registry agreement, no matter how important they may be, other than through the extremely time-consuming process of enacting new Consensus Policies. This is inappropriate in the case of URS, which was adopted after extensive community input and debate, and which will be subject to a thorough review during which time the community will have an opportunity to provide further input.

Support for Integration of 2013 RAA

ICANN should be commended for efforts to expand the benefits of the 2013 RAA as broadly as possible. In fact, Section 7.1(a) “Access to Registry Services” should be strengthened by deleting the last sentence of section 7.1.(a)(viii), which without justification makes the .BIZ obligation to require 2013 RAA adherence conditional on VeriSign (com/net) and PIR (org) making similar requests. At a bare minimum, the sentence should be revised so that the obligation becomes operable as soon as the same 2/3 threshold is reached in all 4 gTLDs, whether or not this has triggered a registry request for this revision. Otherwise, as currently drafted the .BIZ agreement will permit registry operators, such as VeriSign – whose public comments state that all efforts by ICANN to leverage the new RAA are “in direct conflict with the multi-stakeholder process,” – to indefinitely delay the transition, and no other major legacy gTLD will be required to impose the 2013 RAA requirement until VeriSign decides to do so.¹

Whois Requirements

In terms of section 3.1(c)(v), we applaud the recognition that ICANN’s Internic web page could serve as a portal for cross-registry Whois access, as recommended by the Whois Policy Review Team, and that therefore Whois data from .BIZ should be supplied in a compatible format. We suggest that this obligation not be limited to apply only to the Internic interface “as it exists as of the effective date of the agreement,” but also as it may be further modified from time to time. We also support the new requirement for .BIZ to provide links to the forthcoming ICANN page “containing Whois policy and education materials”; but this provision should be expanded to cover links to any cross-registry registration data service operated by or on behalf of ICANN (such as the Internic service called for by the Whois Policy Review Team, or the common interface for global Whois search that is being created pursuant to the Board’s November 2012 Whois resolutions).

Thank you for consideration of our views on these important issues.

Respectfully Submitted,

¹ See: Verisign Comments on Proposed .BIZ Registry Agreement, available at: <http://forum.icann.org/lists/comments-biz-renewal-03jun13/msg00001.html>

Intellectual Property Constituency (IPC)