



Re: Proposed Amendments to Base New gTLD Registry Agreement

Via Electronic Mail:

comments-proposed-amend-new-gtld-agreement-31may16@icann.org

July 18, 2016

Charleston Road Registry d/b/a Google Registry applauds the work of ICANN and the registry negotiation team to establish a reasonable set of proposed improvements to the New gTLD Registry Agreement (RA). In general we support the suite of improvements being put forward for public comment and believe that the successful completion of the negotiation process set forth in Article 7.7 of the RA sets an important precedent for registries and ICANN to be able to negotiate future contractual changes to mutual benefit.

We wish to call out one minor concern with the amendment being proposed to Specification 6, Section 1.4, IDN. The amendment introduces new language that states that: *“In the event of a conflict between the ICANN IDN Guidelines and the IDN-related provisions of Exhibit A, the provisions of the ICANN IDN Guidelines shall control to the extent of the conflict, including but not limited to IDN Variants allocation, activation and appropriate implementation of Registry Operator’s IDN tables and IDN Registration Rules.”* The introduction of new language to Exhibit A following a Registry Service Evaluation Process (RSEP) is the mechanism by which registries are able to offer additional registry services or make changes to their RAs. We are concerned that the proposed language would permanently prevent registries from being able to predictably negotiate potential changes to the provision of IDNs that conflicted with the IDN Guidelines, as the IDN Guidelines would continue to control even if these services had been reviewed, approved, and reflected in the respective registry’s Exhibit A.

ICANN could address this issue by introducing an exception wherein Exhibit A would control in instances where the Registry Operator had a service approved through the RSEP that permitted it to introduce IDNs in a manner that contradicted the IDN Guidelines. Alternate language could read:

In the event of a conflict between the ICANN IDN Guidelines and the IDN-related provisions of Exhibit A, the provisions of the ICANN IDN Guidelines shall control to the extent of the conflict, including but not limited to IDN Variants allocation, activation and appropriate implementation of Registry Operator’s IDN tables and IDN Registration Rules, unless Registry Operator has been granted approval of a

service that conflicts with the IDN Guidelines through the RSEP, in which case the IDN-related provisions of Exhibit A shall control.

We appreciate ICANN's attention to this proposed recommendation and appreciate its work in negotiating the full set of changes with the registry community.

Sincerely,

A handwritten signature in black ink that reads "S. Duchesneau". The signature is written in a cursive, flowing style.

Stephanie Duchesneau
Domains Policy and Compliance