

2017 Global Amendment to the base New gTLD Registry Agreement



Effective Date Frequently Asked Questions

Version: 7 June 2017

Background

This document contains responses to anticipated questions about the effective date of the **2017 Global Amendment to the base New gTLD Registry Agreement** (“Global Amendment”). On 1 June 2017, ICANN sent a legal notice to impacted registry operators (“Applicable Registry Operators”), kicking off the 60-day period to the effective date of **31 July 2017**.

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1. What is the 2017 Global Amendment?

The 2017 [Global Amendment](#) is a set of approved revisions to the base New gTLD Registry Agreement (“Registry Agreement”) resulting from bilateral negotiations between ICANN organization and the Registries Stakeholder Group (“RySG”) Working Group as well as a subsequent [public comment proceeding](#). Section 7.7(a) of the Registry Agreement provides a mechanism enabling ICANN organization or the RySG to periodically initiate negotiations to discuss revisions to the Registry Agreement. The [revisions](#) in the Global Amendment largely focus on technical corrections and clarifications with a few substantive changes.

The process to amend the Registry Agreement was initiated in July 2014 when the RySG notified ICANN organization that it wished to initiate negotiations for contract amendments. Following a discussion period between the Working Group and ICANN organization, the proposed contract amendments were submitted for public comment in the form of the Global Amendment. ICANN organization and the Working Group reviewed the public comments and revised the Global Amendment based on comments received.

2. What is the status of the 2017 Global Amendment?

The 2017 Global Amendment has received both required approvals as outlined in Section 7.7(c) of the Registry Agreement. Applicable Registry Operators [approved](#) the Global Amendment as of the close of the voting period on 10 April 2017 and the ICANN Board approved the Global Amendment on 18 May 2017 as outlined in the [Approved Board Resolution](#).

Pursuant to Section 7.7(c) of the Registry Agreement, the approved Global Amendment is effective and deemed an amendment to the Registry Agreement sixty (60) calendar days from the date of ICANN’s notice to Applicable Registry Operators, which was sent on 1 June 2017. *The effective date of the 2017 Global Amendment is 31 July 2017.*

3. Which registry operators are subject to the 2017 Global Amendment?

As defined by Section 7.6(j)(i) of the base New gTLD Registry Agreement, the 2017 Global Amendment impacts “Applicable Registry Operators”, or “collectively, the registry operators of top-level domains party to a registry agreement that contains a provision similar to this Section 7.6.”

Registry operators whose Registry Agreements do not contain Section 7.6 Amendments and Waivers and Section 7.7 Negotiation Process were not eligible to vote and are not impacted by the revisions resulting from the Global Amendment.

4. When are registry operators required to implement changes?

Changes resulting from the 2017 Global Amendment are effective on 31 July 2017.

5. How were registry operators notified of the effective date?

On 1 June 2017, ICANN sent the legal notice via email to Registry Primary Contacts and Legal Contacts of each Applicable Registry Operator as required by Section 7.7(c) of the Registry Agreement.

6. How much time do registry operators have to implement the changes?

Applicable Registry Operators have 60 calendar days from the date of ICANN's legal notice sent by email to implement changes resulting from the 2017 Global Amendment. The legal notice was sent 1 June 2017 and the changes are effective 31 July 2017.

7. Who received the legal notice on behalf of each registry operator?

ICANN sent the legal notice via email to Registry Primary Contacts and Legal Contacts of each Applicable Registry Operator.

8. How did the 2017 Global Amendment reach approval?

In order for the 2017 Global Amendment to be approved, it was submitted to and received approval from Applicable Registry Operators and the ICANN Board of Directors as defined by Section 7.7(c) of the Registry Agreement.

Two thresholds were required to achieve Applicable Registry Operator approval:

1. "The affirmative approval of the Applicable Registry Operators whose payments to ICANN accounted for two-thirds of the total amount of fees paid, pursuant to the Registry Agreement, the immediately previous calendar year."
2. "The affirmative approval of a majority of the Applicable Registry Operators at the time such approval is obtained."

Applicable Registry Operators [approved](#) the Global Amendment as of the close of the voting period on 10 April 2017 and the ICANN Board approved the Global Amendment on 18 May 2017 as outlined in the [Approved Board Resolution](#).

9. What are the changes resulting from the 2017 Global Amendment?

The revisions in the 2017 Global Amendment largely focus on technical corrections and clarifications with a few substantive changes as outlined below:

- Revisions to Section 2.9 (Registrars) and 2.10 (Pricing for Registry Services), which enable registry operators to change the pricing terms of the Registry-Registrar Agreement without seeking ICANN organization's approval since the Registry Agreement does not specify a specific price for domain names registration; however, such notice must still be given to registrars that have executed a Registry-Registrar Agreement for the TLD. Registry operators remain subject to the substantive requirements of the provision whether or not ICANN organization is informed of price increases by the registry operator.
- Revisions to Section 6.7 (Fee Reduction Waiver), which permit ICANN organization to exercise its discretion to determine to reduce the fees payable by a registry operator under the Registry Agreement. Under the provision, ICANN organization would retain discretion to determine whether a reduction in fees is appropriate and the terms of any such reduction.
- Revisions to Section 7.5 (Change of Control; Assignment and Subcontracting), which create a new defined term, "Affiliated Assignee," and have the effect of facilitating reorganizations by a registry operator without triggering a consent right of ICANN.
- Revisions to Specification 13; Section 11 (.BRAND TLD Provisions), which were made in response to requests by .BRAND TLD operators and specify that global amendments (i.e. amendments approved pursuant to Section 7.6 or 7.7 of the Registry Agreement) amend the

provisions of Specification 13, such that amendments that impact .BRAND TLD registry operators must be approved by .BRAND TLD registry operators.

Full details of the changes within the 2017 Global Amendment, including technical corrections and clarifications, are available in the published [summary of changes table](#) and in the published [cumulative redlines to the Registry Agreement](#).

10. What must registry operators do in order to implement the 2017 Global Amendment?

Since the revisions in the 2017 Global Amendment largely focus on technical corrections, clarifications, and only a few substantive changes, there are few implementation measures required of registry operators. ICANN advises registry operators to review the [summary of changes table](#) to identify any required changes and to refer to the reference materials provided on ICANN's [Global Amendment webpage](#).

11. When should registry operators make these changes?

These updates are required starting on effective date of 31 July 2017.

Important: relating to the changes in Specification 3; Section 2: Fields 02 and 03: registry operators should use the new format starting with the *July 2017 Registry Functions Activity Reports*.

12. Do registry operators need to sign the Global Amendment?

No, individual execution of the Global Amendment is not contemplated according to Section 7.7(c) of the Registry Agreement. ICANN will publish the 2017 base Registry Agreement (updated by the Global Amendment) to the [Registry Agreements webpage](#) as well as the approved 2017 Global Amendment. By the effective date, ICANN will also post a link to the 2017 Global Amendment on each Applicable Registry Operator's Registry Agreement page on ICANN.org.

New gTLD Program applicants who sign the Registry Agreement after the effective date will execute the updated version of the 2017 base Registry Agreement.

13. Which stakeholders (or others) were consulted?

ICANN organization and the Working Group collaborated frequently throughout the development of the Global Amendment to negotiate and discuss proposed revisions, to consider comments received from the public comment proceeding, and to agree to the process of a vote for Applicable Registry Operators.

The Global Amendment was submitted for [public comment](#) from 31 May 2016 to 20 July 2016. After the close of the public comment period, ICANN organization received twenty-two comments by individuals, organizations, and groups and published an [initial summary report](#) on 17 August 2016.

ICANN organization and the Working Group collectively considered comments received and incorporated certain revisions into the Global Amendment. On 22 December 2016, ICANN organization published a [supplemental public comment report](#) with additional analysis as well as an updated [Global Amendment](#) revised to reflect the comments received.

14. How is ICANN preparing for these changes?

ICANN has worked to identify internal changes to processes, operations, and technical aspects and will complete this work prior to the effective date.

15. How often will revisions to the base New gTLD Registry Agreement occur?

This is dependent upon the initiation of negotiations by ICANN or the Registries Stakeholder Group (RySG) as well as the restrictions outlined in the Registry Agreement. Section 7.7(a) of the Registry Agreement provides a mechanism for ICANN or the Registries Stakeholder Group (RySG) to periodically initiate negotiations and revisions to the Registry Agreement. These negotiations may be initiated by either party not more than once per twelve-month period. The first notice to initiate negotiations could not be submitted by either party prior to 1 July 2014.

16. Where can registry operators find additional information?

Registry operators should refer to the reference materials provided on ICANN's [Global Amendment webpage](#) to review changes to the Registry Agreement, determine necessary implementation measures, and to track updates from ICANN. Please reference Sections 7.6 and 7.7 of the base [New gTLD Registry Agreement](#) for additional information.

Full details of the changes within the Global Amendment, including technical corrections and clarifications, are available in the published [summary of changes table](#) and in the published [cumulative redlines to the Registry Agreement](#).

17. Where should registry operators submit questions?

Please open a case via the GDD Portal or send an email to globalsupport@icann.org with "Inquiry – Global Amendment to the base New gTLD Registry Agreement" in the subject line.