

Report of Public Comments

Launch of Supplementary Registration Proxy Service for gTLDs Operated by XYZ.COM LLC

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Comment Period:

Comment Open Date: 10 December 2015

Comment Close Date: 22 January 2016

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Section I: General Overview and Next Steps

General Overview

On 2 December 2015, XYZ.COM LLC submitted a [Registry Services Evaluation Policy \(RSEP\)](#) request to offer a new registry service for .XYZ, .COLLEGE, .RENT, .THEATRE, .PROTECTION and .SECURITY TLDs. The registry service is a proxy service that will provide secondary gateway access to SRS/EPP, RDDS (via WHOIS – port 43 –, web-based Directory Service, RDAP, or any combination of the three), or both for the purposes of operating these TLDs in local domain name markets.

As required by the RSEP, ICANN has undertaken a preliminary determination on whether this RSEP proposal might raise significant competition, security or stability issues. ICANN's preliminary review (based on the information provided) did not identify any such issues.

Following ICANN's preliminary determination that the proposal does not raise significant competition, security or stability issues, it was further determined that the change would require a material change to the respective Registry Agreements and that an amendment is needed in order to effect the change.

From 10 December 2015 – 22 January 2016, ICANN posted the proposed RA amendments for public comment which resulted in one comment. There was a second comment submitted following the close of the public comment, which has been included in this report.

Next Steps:

ICANN will consider these comments as it considers whether or not to approve the requested amendments.

Section II: Contributors

At the time this report was prepared, two (2) community submissions have been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
Business Constituency (BC)	Steve DelBianco	BC

Individuals:

Name	Affiliation (If provided)	Initials
Liu Yue		LY

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

The two comments submitted do not object to the launch of supplementary registration proxy (SRP) service for the TLDs operated by XYZ.COM LLC, however both commenters are seeking clarification from the Registry Operator on some of the terms and definitions used in their RSEP request.

BC, in its comment, seeks clarification from XYZ.COM LLC regarding language in the RSEP request referring to the secondary escrow of Registry data, the mirroring of Whois data and the operation of DNS. With respect to the secondary escrow of Registry data and the mirroring of Whois data, BC is seeking clarification on the terms "Chinese registrants" and "registrations coming from Chinese registrars" used in the sections where "Supplemental Data Escrow" and "Supplemental Registration Information Lookup Service" were explained in detail in the RSEP request. BC believes that the term "Chinese registrants" needs to be narrowly construed to avoid extraterritorial application of Chinese law and that ICANN should not approve this RSEP if XYZ.COM LLC's policies would have extraterritorial effect.

Similarly, with respect to the operation of the DNS, BC is seeking clarification on the term "Chinese Internet users" that was mentioned in the "DNS" section of the RSEP request. BC believes the RSEP should better define and narrowly construe the term "Chinese Internet users" in this section so it is more clear if this term means simply Internet users who at the time of the DNS request are physically inside the borders of China, or is somehow broader.

BC, in its comment, also referred to previously submitted RSEP tickets which contained language regarding the international reservation of names that are prohibited from registration by the Chinese government at the registry level. BC favorably acknowledged that XYZ.COM LLC's latest RSEP request

removed language regarding the reservation or blocking of names at the second level, and the latest RSEP is limited to ICANN-accredited registrars based in China. BC does not object to this RSEP request.

LY, in its comment, is seeking clarification from XYZ.COM LLC regarding the mechanics of the additional registry service. More specifically, LY is seeking clarification from the Registry Operator regarding the operation of the proxy related to the create, renew, and update commands. LY seeks further clarification from the Registry Operator regarding caching and synchronization between the local database and the authoritative, or global, database which CentralNic currently operates. Additional clarifications, requested by LY in its comment, pertain to equal treatment of local registrars and registrants, how SLA commitments will be met, and how certain EPP commands will work.

Additionally, before the public comment announcement was posted, there were three comments submitted to the RSEP mailing list for the RSEP tickets that were later withdrawn by XYZ.COM LLC. These comments objected to the registration restrictions that were included in the withdrawn RSEP tickets. These comments can be found at: <http://forum.icann.org/lists/registryservice/>.

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

The two comments submitted to the public comment forum do not object to the launch of a supplementary registration proxy (SRP) service for the TLDs operated by XYZ.COM LLC, however both commenters are seeking clarification from XYZ.COM LLC regarding the proposed service.

BC is seeking clarification regarding the terms “Chinese registrants”, “registrations coming from Chinese registrars” and “Chinese Internet users” used in the description of the proposed registry service. BC believes that the RSEP should clarify whether the term "Chinese registrants" refers to the same group of people as "registrations coming from Chinese registrars" and whether any person, regardless of their nationality, registering a domain name covered by this RSEP would have their registry data stored in secondary escrow in China and whether XYZ.COM LLC’s policies will not have any extraterritorial effect while complying with the local laws. Similarly, BC believes that the RSEP should also clarify whether the term “the Chinese Internet users” used in the definition of DNS routing in China refers to Internet users who at the time of the DNS request are physically inside the borders of China or is somehow broader.

LY is seeking clarification from the Registry Operator regarding the mechanics of the additional registry service in terms of: how the proxy will work related to certain commands, how the caching and synchronization of the two databases will work, the equal treatment of local registrars and registrants, SLA commitments, and certain EPP commands.

While ICANN acknowledges these comments, it should be noted that this public comment announcement aims at gathering community input on the proposed amendments for the Registry Agreements of XYZ.COM LLC operated gTLDs, and not the RSEP request itself, which evaluates whether

the proposed service could raise significant Security or Stability or competition issues as those terms are identified in the Registry Services Evaluation Policy. The proposed amendments posted for public comment would allow the Registry Operator to offer a Supplementary Registration Proxy (SRP) service by providing a secondary gateway for access to SRS/EPP, RDDS (via WHOIS – port 43 –, web-based Directory Service, RDAP, or any combination of the three) subject to the requirements mentioned in the amendments. Additionally, the SRP service in the proposed amendments are agnostic to geography and applicable to any local market as long as the SRP service complies with all the terms of the Registry Agreement.

However, with respect to BC's comment seeking clarification regarding:

1. the terms used in the RSEP request "Chinese registrants", "registrations coming from Chinese registrars", and "Chinese Internet users", the mirroring of Whois data, and the operation of the DNS;
2. the secondary escrow of Registry data;

and with respect to LY's comment seeking clarification regarding:

3. how the proxy will work related to certain commands; how the caching and synchronization of the two databases will work; SLA commitments, and certain EPP commands; and the equal treatment of local registrars and registrants;

ICANN notes:

1. The proposed amendment to implement the new service is not specific to any particular jurisdiction, nor to registrations originating from registrants or registrars in any particular jurisdiction.
2. The Registry Operator must comply with Specification 2, "Data Escrow Requirements", of its Registry Agreement but is otherwise free to have additional backups of data, agnostic of geography, as long as it complies with all terms of its Registry Agreement including Specification 2. Additionally, in the Additional information section of the RSEP request XYZ.COM LLC states escrow deposits received "will only contain contact objects that have a value of "CN" in the <rdeContact:cc> element".
3. Section 5.1 of the proposed amendment requires the Supplementary Registration Proxy service provide the same registration data, functionality, and service level requirements, and emergency transition thresholds specified in the Registry Agreement.

Finally, BC comments in this public comment forum and comments submitted to the RSEP mailing list for the withdrawn XYZ.COM LLC RSEP tickets, objected to registration restrictions included in those withdrawn RSEP tickets which contained language regarding the international reservation of names that are prohibited from registration by the Chinese government at the registry level. BC favorably noted the latest XYZ.COM LLC RSEP ticket no longer contains such language and the current RSEP appears to be limited to ICANN-accredited registrars based in China, therefore BC does not object to this RSEP.

ICANN will consider these comments in the context they have been provided as it considers whether or not to approve the requested amendments for .XYZ, .COLLEGE, .RENT, .THEATRE, .PROTECTION and .SECURITY Registry Agreements.