

Date: 28 July 2017

ICANN Preliminary Determination

Re: Notice of Registry Operator Request for Termination of Registry Agreement - .htc Top-Level-Domain

On 6 July 2017, HTC Corporation notified ICANN of its intent to terminate the .htc Registry Agreement entered into on 2 April 2015. Pursuant to Section 4.4(b) of the Registry Agreement, Registry Operator may terminate the Registry Agreement for any reason upon one hundred eighty (180) calendar day advance notice.

Pursuant to the terms of Section 4.5 of the Registry Agreement, ICANN consulted with HTC Corporation to assess whether to transition operation of the .htc top-level domain (TLD) to a successor Registry Operator.

Subject to an on-going evaluation, ICANN has made a preliminary determination that operation of the .htc TLD need not be transitioned to a successor Registry Operator. ICANN's review and determinations regarding transition to a successor registry are subject to the following criteria from Section 4.5 of the Registry Agreement:

(i) ICANN will take into consideration any intellectual property rights of Registry Operator (as communicated to ICANN by Registry Operator) in determining whether to transition operation of the TLD to a successor registry operator and

(ii) Registry Operator demonstrates to ICANN's reasonable satisfaction that
(A) All domain name registrations in the TLD are registered to, and maintained by, Registry Operator or its Affiliates for their exclusive use,
(B) Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator, and
(C) Transitioning operation of the TLD is not necessary to protect the public interest.

ICANN's preliminary determination is based on the following rationale:

- ⊙ Transitioning operation of the TLD is not necessary to protect the public interest.
- ⊙ HTC Corporation, in its function as the Registry Operator has represented to ICANN that it does not sell, distribute or transfer control or use of any registrations in the .htc TLD to third parties.
- ⊙ .htc qualifies as a .Brand TLD.
- ⊙ Only one domain name is registered in the .htc TLD and it is mandated by the Registry Agreement (nic.htc).

Before releasing its final determination, ICANN will consider input provided by interested parties via email at ra-termination-comments@icann.org . The deadline to submit input is 27 August 2017 – 23:59 UTC.

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ICANN