



## ICANN Registry Request Service

Ticket ID: G510N-2M7Z7

Registry Name: NeuLevel, Inc.

gTLD: .BIZ

Status: ICANN Review

Status Date: 2006-09-25 17:13:20

Print Date: 2006-09-26 09:01:54

### Proposed Service

Name of Proposed Service:

*Bulk Transfer of Partial Portfolio*

Technical Description of Proposed Service:

The following provides a description of proposed new service called "Bulk Transfer After Partial Portfolio Acquisition" (BTAPPA).

In the circumstance where one ICANN-accredited registrar purchases, by means of a stock or asset purchase, merger or similar transaction, a portion, but not all, of another ICANN-accredited registrar's domain name portfolio in the .BIZ top-level domain (TLD), NeuLevel shall, for a fee of \$0.20 per name, perform a bulk transfer of the sponsorship of the acquired portfolio of names on a mutually agreed upon date/time from the current registrar of record to the registrar who acquired the names.

Notwithstanding the foregoing, the aggregate fees payable to NeuLevel in connection with the bulk transfer shall be no less than \$1,000.

The following requirements would apply in order to be eligible to receive the service (in no order of importance):

- The Gaining Registrar must be accredited by ICANN for .BIZ at the time the request for the service is made to NeuLevel.
- The Gaining Registrar must have in effect at the time of transfer a Registry-Registrar Agreement and be in good standing with the Registry.
- The Gaining Registrar must provide Registry with evidence (e.g. copies of the purchase/sale document, affidavit, declaration) of the acquisition documenting the closing date of such transaction and listing all the applicable registrars involved to the acquisition.
- The Losing Registrar must certify that its existing Registrar-Registrant Agreement with customers allows for the transfer of sponsorship in the event that such registrar was acquired by a third party.
- Both Gaining and Losing Registrar must approve in writing the list of names subject to the Bulk Transfer prior to the change in sponsorship of names by NeuLevel.
- Names in the following statuses at the Registry at time of transfer will not be subject to the bulk transfer: pending transfer, redemption grace period (RGP), pending delete. Names within the 45-day auto renew grace window are subject to bulk transfer, but Registry may be permitted to deny credit for those names registrant(s) choose to delete after the bulk transfer, but prior to the expiration of the 45-day auto renew grace window.
- The Losing Registrar must agree to provide fifteen (15) days advance written notice of the transfer to all domain name registrants for names involved in the bulk transfer. Notice must include: (1) Explanation of how the Whois record will change after the bulk transfer occurs, (2) Customer Support and Technical Contact information of the Gaining Registrar; (3) Statement that all Transfers Rules and Policies set by ICANN and the Registry shall remain in effect. (4) Instructions on how Registrant can opt-out of bulk transfer in the event that the Losing Registrar has indicated that it is willing to continue to serve as the Registrar for the domain name.
- The Gaining Registrar must make a request for the BTAPPA service from Registry within one (1) calendar year of the closing date of the acquisition.
- Request for BTAPPA service from NeuLevel is limited to one (1) request per Registrar Group per six-month period unless otherwise agreed to by the Registry. Registrar Group is defined as multiple Registrar businesses that share common ownership and/or management teams.

- The Registry has discretion to reject the request for BTAPPA Service if there is reasonable evidence that BTAPPA is being requested to avoid fees otherwise due to NeuLevel or ICANN.
- BTAPPA may not be requested if Gaining Registrar's request would qualify for bulk transfer under Part B of the Policy on Transfer of Registrations Between Registrars implemented by ICANN on November 12, 2004.
- Both the Gaining and Losing Registrars shall be required to sign an agreement with NeuLevel that documents the above restrictions and indemnifies NeuLevel for any and all claims brought by Registrants as a result of the transfer of names from one registrar to the other.

## Consultation

Please describe with specificity your consultations with the community, experts and or others. What were the quantity, nature and content of the consultations?

Neulevel was approached by two ICANN-Accredited registrars, Register.com and CSC, who expressed an interest in this service. NeuLevel engaged in a number of discussions with these two registrars create the basic framework of the BTAPPA service. NeuLevel also consulted ith CSC's outside consultant, Michael Palage, on the details of the service. We understand that CSC and Register.com also consulted with other registries about the service, but NeuLevel did not submit this proposal to any of the other registries.

The registrars consulted with a number of their corporate customers about the service and to our knowledge, all of them reacted favorably about the prospects of this service.

- a. If the registry is a sponsored TLD, what were the nature and content of these consultations with the sponsored TLD community?

NeuLevel operates the .BIZ top-level domain, an unsponsored TLD.

- b. Were consultations with gTLD registrars or the registrar constituency appropriate? Which registrars were consulted? What were the nature and content of the consultation?

As stated above, NeuLevel primarily consulted with two ICANN-Accredited Registrars who were in immediate need for the service. It is our belief that the benefits of the BTAPPA service (set forth in a later section of this application) would apply to all ICANN-Accredited Registrars equally. As there were no other registrars that expressed the need for the service to NeuLevel, we did not believe that additional consultations with registrars were necessary.

- c. Were consultations with other constituency groups appropriate? Which groups were consulted? What were the nature and content of these consultations?

In developing this proposal, we did not believe it was necessary to consult directly with other "constituency groups" of ICANN other than as stated above. The service was designed by NeuLevel to accommodate registrars while at the same time protecting registrants. In addition, consultation with the official ICANN constituencies, we believed, would in no way impact whether the service as proposed would affect security, stability or competition. The concept for this service was initially presented to us by two reputable registrars that had consummated a transaction in which one sold a portion of its business (and domains under management) to the other. We did not believe that consultations with other constituencies were necessary or appropriate, nor are such consultations required under the registry services process as defined at <http://www.icann.org/registries/rsep/rsep.html>

Under the current Bulk Transfer policy, an entire registrar's portfolio of domain names could be transferred to another registrar (with ICANN concurrence) for no fee IF the number of domain names did not exceed 50,000. The existing policy provides no flexibility for registrars to transfer a partial portfolio of domain names (if more than 50,000 in number) without significant incremental cost to the gaining registrar, who would have to use the normal transfer process while adding and charging for one additional year, thereby causing significant registrant confusion.

Any concern about a negative impact on competition is unwarranted. This proposed service requires that both the gaining and losing registrars agree to the transfer, so there are safeguards built into the process.

To improve the existing Bulk Transfer policy and to better protect registrants, we have added into the process a number of consumer protections to ensure that users are notified of the pending transfer in advance. This advance notice gives users 15 days to voluntarily move their domain names to a third party registrar (prior to the partial bulk transfer) if they do not want to go with the intended gaining registrar. In fact, the losing registrar must ensure that no obstacles are placed in the way of a registrant initiating such a transfer. This policy affords protections to users that are not currently enjoyed under the current bulk transfer policy which does not require any notice nor ability for registrants to "opt-out" by switching registrars prior to the transfer.

Because this proposed service (a) gives registrars greater flexibility than the existing policy, Registrars should support the service; and (b) gives registrants additional rights and benefits above the current existing bulk-transfer policy, we believe registrants would support the service.

- d. Were consultations with end users appropriate? Which groups were consulted? What were the nature and content of these consultations?

Register.com and CSC consulted with several of their customers to obtain feedback on the proposed service. Several of the corporate customers who would be impacted by the service have indicated that they support the proposal. Letters can be provided upon request.

- e. Who would endorse the introduction of this service? What were the nature and content of these consultations?

We believe that many registrars who may find themselves in a situation requiring such as service would endorse this proposal. Both CSC and Register.com have endorsed the proposal (see attached).

In addition, several corporate domain holders have already endorsed the proposal.

- f. Who would object the introduction of this service? What were(or would be) the nature and content of these consultations?

We have no reason to believe that any person or entity would reasonably object to the introduction of this new service.

## **Timeline**

Please describe the timeline for implementation of the proposed new registry service.

As this service is a modified version of the current bulk transfer process and will largely be completed via manual processes, we believe the service can be offered within a short period after receiving approval. We propose to perform three weeks of testing, after which time registrars would be free to submit requests for the service.

## **Business Description**

Describe how the proposed service will be offered.

The service will be offered to all ICANN-Accredited registrars that are accredited in the .BIZ to-level domain. NeuLevel will send an announcement to all registrars containing a description of the service, as well as a copy of the terms and conditions of participating in the service. Such terms and conditions will be those outlined in this proposal. The service description documents will also be posted to the registrar extranet, and the Registrar Reference Manual will be updated with a description of the process.

As the service is performed manually by the registry, there is no requirement for registrars to modify their systems or to perform any automated communication with the registry. They will simply need to submit a written request following the procedures outlined in the service description.

Describe quality assurance plan or testing of Proposed Service:

We will perform standard testing procedures to ensure that the service performs as designed. The testing will include performing bulk transfers in a test environment, under conditions that simulate a real live bulk transfer. This will include attempting to transfer domains that are not sponsored by the losing registrar, domains on pendingDelete and pendingTransfer status, etc. Only after the tests have yielded the proper results will we release the service into production.

Please list any relevant RFCs or White Papers on the proposed service and explain how those papers are relevant.

None.

## **Contractual Provisions**

List the relevant contractual provisions impacted by the Proposed Service:

Under the current .biz agreement, the proposed service would impact the schedule of fees.

In the event that the proposed .BIZ Agreement is executed by ICANN prior to the approval of this service, the proposed service would impact the schedule of fees and the exhibit listing all approved registry services.

What effect, if any, will the Proposed Service have on the reporting of data to ICANN?

The impact on reporting of data will be minimal. The monthly reports will reflect a change in registrar sponsorship for the transferred domains. The quarterly transaction reports will not reflect the bulk transferred domains as "Transfers" (which add an additional year). Upon request, the Registry could provide data on the transfers to ICANN as a part of the monthly/quarterly reports, or as a separate report.

What effect, if any, will the Proposed Service have on Whois?

There will be no impact on the Whois service.

What effect, if any, will the proposed service have on the price of a domain name registration?

There will be no impact on the price of a domain name registration.

## Contract Amendments

Please describe or provide the necessary contractual amendments for the proposed service:

We believe the agreements under which we currently operate will require an amendment to the schedule on fees. In addition, a description of the service, including the rules would need to be included in our Exhibit dealing with transfers.

In the new .BIZ agreements, if signed by the time that this proposal goes through, we would similarly need an amendment to the fee exhibit, and an amendment to the Exhibit that lists the approved .biz Registry Services.

## Benefits of Service

Describe the benefits of the Proposed Service

Currently the ICANN Bulk Transfer provision contained in Part B of the Policy on Transfer of Registrations Between Registrars implemented by ICANN on November 12, 2004 only allows for bulk transfer of sponsorship of "all registrations sponsored by one Registrar as a result of (i) acquisition of that Registrar or its assets by another Registrar, or (ii) lack of accreditation of that Registrar or lack of its authorization with the Registry Operator. There is no ICANN policy or provision that currently addresses the very real business situation where only a portion of a Registrar's TLD portfolio is acquired. Thus, the proposed Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) service would provide a safe and consolidated method to change sponsorship of domain names acquired from one ICANN accredited registrar from another ICANN accredited registrar

As described throughout this proposal, the proposed Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) service would benefit NeuLevel, registrars and registrants. To summarize:

- **Benefit to NeuLevel** –The introduction of this service would introduce an efficient method of changing sponsorship of domain names where one ICANN accredited registrar purchased, by means of a stock or asset purchase, merger or similar transaction, a partial portfolio of domain names sponsored by another ICANN accredited registrar.
- **Benefit to Registrars** – Unlike under the current agreement, the BTAPPA service provides registrars with the opportunity to utilize bulk transfer mechanisms to change the sponsorship of a partial portfolio of names purchased, by means of a stock or asset purchase, merger or similar transaction, from another ICANN accredited registrar.
- **Benefits to Registrants** – To improve the existing Bulk Transfer policy and to better protect registrants, we have added into the process a number of consumer protections to ensure that users are notified of the pending transfer in advance. This advance notice gives users 15 days to voluntarily move their domain names to a third party registrar (prior to the partial bulk transfer) if they do not want to go with the intended gaining registrar. In fact, the losing registrar must ensure that no obstacles are placed in the way of a registrant initiating such a transfer. This policy affords protections to users that are not currently enjoyed under the current bulk transfer policy which does not require any notice nor ability for registrants to "opt-out" by switching registrars prior to the transfer.

## Competition

Do you believe your proposed new Registry Service would have any positive or negative effects on competition? If so, please explain.

We do not believe the service will have any negative impact on competition. The service will only be available to registrars (a gaining and losing registrar) who have already entered into a mutually beneficial arrangement to transfer the sponsorship of names from one registrar to another as a result of the sale of a portion of one registrar's business.

How would you define the markets in which your proposed Registry Service would compete?

The market for this service is limited to registrars who are selling portions of their business (ie, the corporate domain management business) to another registrar.

What companies/entities provide services or products that are similar in substance or effect to your proposed Registry Service?

No other entities currently provide this service.

In view of your status as a registry operator, would the introduction of your proposed Registry Service potentially impair the ability of other companies/entities that provide similar products or services to compete?

This service can only be provided by a registry operator.

Do you propose to work with a vendor or contractor to provide the proposed Registry Service? If so, what is the name of the vendor/contractor, and describe the nature of the services the vendor/contractor would provide.

No.

Have you communicated with any of the entities whose products or services might be affected by the introduction of your proposed Registry Service? If so, please describe the communications.

Not applicable.

Do you have any documents that address the possible effects on competition of your proposed Registry Service? If so, please submit them with your application. (ICANN will keep the documents confidential).

There are no such documents.

## **Security and Stability**

Does the proposed service alter the storage and input of Registry Data?

No.

Please explain how the proposed service will affect the throughput, response time, consistency or coherence of responses to Internet servers or end systems:

There will no impact on the throughput, response time, consistency or coherence of responses to the Internet servers. The service will involve manual, out of band processing by the registry, much in the same manner that ICANN mandated Bulk Transfers are processed today.

Have technical concerns been raised about the proposed service, and if so, how do you intend to address those concerns?

No technical concerns have been raised.

## Other Issues

Are there any Intellectual Property considerations raised by the Proposed Service?

No.

Does the proposed service contain intellectual property exclusive to your gTLD registry?

No.

List Disclaimers provided to potential customers regarding the Proposed Service

Registrars agreeing to this service will be presented with a terms and conditions document describing the requirements and obligations set forth in this proposal as well as a requirement that such registrars jointly and severally indemnify NeuLevel in the event that any of its customers bring an action against NeuLevel as a result of the transfer of ownership from the Losing to the Gaining Registrar.

Registrants, however, will not be required to enter into any agreements with NeuLevel and all support will be handled by the applicable registrars.

*Appendix A (20010516173745.pdf)*

Any other relevant information to include with this request

None.

*Appendix B (\_0823092704\_001.pdf)*



## ICANN Registry Request Service

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Registry Name: NeuLevel, Inc.

gTLD: .BIZ

Status: ICANN Review

Status Date: 2006-09-25 17:13:20

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**Appendix A (20010516173745.pdf)**

**(Seen on Next Page)**



August 21, 2006

Mr. James Stoltzfus  
General Manager  
CSC Corporate Domains  
2711 Centerville Road, Suite 400  
Wilmington, DE 19808

**RE: Support for Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) Proposal**

Dear Mr. Stoltzfus:

We are writing to inform you of our support of your Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) Proposal. We agree this proposed registry service would create a much needed mechanism to enable the bulk transfer of a portion, but not all, of another ICANN accredited registrar's domain name portfolio purchased by means of a stock or asset purchase, merger or similar transaction.

Furthermore, Register.com believes that the BTAPPA service would be a Win-Win for registries, registrars and registrants alike for the following reasons:

- ensures that the change of sponsorship of domain names subject to partial portfolio acquisition from one registrar to another is open and transparent;
- provides ample protections and safeguards for the rights of domain name registrants; and
- serves as an efficient method of changing sponsorship of large portfolios of domain names after acquisition by another registrar for both registrars and registries.

Please let us know if there is anything else we can do to show our support for your proposal.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Roni", with a long, sweeping underline that extends to the right.

Roni Jacobson  
Chief Operating Officer &  
General Counsel  
Register.com, Inc.





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Appendix B (\_0823092704\_001.pdf)

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August 22, 2006

Jeffrey J. Neuman, Esq.  
Sr. Director, Law, Advanced Services & Business Development  
NeuStar, Inc.  
200 M St. NW  
Suite 600  
Washington, DC 20036

**RE: Proposed BTAPPA Service**

Dear Mr. Neuman:

In May 2006, Corporation Service Company (hereinafter "CSC") purchased the Corporate Services Division of Register.com (hereinafter "CSD"). Since the acquisition our goal has been to consolidate the domain names managed by CSD that currently exist under the Registry credentials of Register.com to the Registry credentials held by CSC Corporate Domains so that we can effectively manage the domain assets of our new domain name customers. Unfortunately, the current ICANN Bulk Transfer provision does not contemplate the acquisition of a partial portfolio of domain names of another Registrar and thus, we have been unsuccessful in accomplishing the consolidation of the CSD names with the CSC names through this ICANN policy.

To address situations like ours, we have developed in consultation with gTLD Registries and customers, a proposal for a new Registry service called Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) which would allow for the bulk transfer of domain names in the limited circumstance where one ICANN accredited registrar purchases, by means of a stock or asset purchase, merger or similar transaction, a portion, but not all, of another ICANN accredited registrar's domain name portfolio. We have shared this proposal with register.com and several of our domain name customers and all agree this service is both needed and. In fact, we have received the enclosed letters from register.com and Exxon Corporation in support of the establishment of this service (see enclosed).

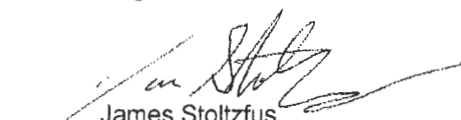
Therefore, we respectfully request NeuStar, Inc. (hereinafter "NeuStar") offer BTAPPA to all its accredited registrars as soon as possible. We understand NeuStar must seek ICANN approval of this new service before it can be offered. To that end, we have considered potential questions ICANN may have about this proposal. Specifically,

1. Can a Registrant "opt-out" of a bulk transfer under this service. In our view the Registrant should be permitted to opt-out of the bulk transfer if the Losing Registrar has indicated to the Gaining Registrar that it is willing to continue to serve as the Registrar for the applicable domain name. In such event, the Gaining Registrar would include in the notice instructions for how the Registrant could opt-out.
2. Would a registration that occurred less than 60 days prior to the bulk transfer be subject to the transfer? If the registration is less than 60-days old at the time of the bulk transfer under this service, we believe these registrations should be eligible for transfer as part of the bulk transfer in order to ensure that the Registrant's portfolio of domain names with the Registrar will remain together.

Please let us know if NeuStar or ICANN have any additional questions regarding this proposal. We would be happy to provide any assistance or support that is required to enable this service to be offered.

Thank you very much for your consideration of BTAPPA.

Regards,



James Stoltzfus

General Manager

**Exxon Mobil Corporation**  
3225 Gallows Road  
Fairfax, Virginia 22037-0001

**ExxonMobil**  
August 16, 2006

Mr. James Stoltzfus  
General Manager  
CSC Corporate Domains  
2711 Centerville Road, Suite 400  
Wilmington, DE 19808

**RE: Support for Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) Proposal**

Dear Mr. Stoltzfus:

We are writing to inform you of our support of your Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) Proposal. We agree that ICANN should allow for the bulk transfer of a portion, but not all, of another ICANN accredited registrar's domain name portfolio purchased by means of a stock or asset purchase, merger or similar transaction.

ExxonMobil believes the BTAPPA proposal will enable a more efficient and expeditious transition of the management of our domain name portfolio from Register.com to CSC Corporate Domains, which is in our best interest. We encourage CSC Corporate Domains to seek approval of this proposal from ICANN.

Regards,

  
Claudia Gomes

On behalf of  
Lori W MacDonald  
eCommunication Advisor

**Microsoft**

9/8/2006

Mr. James Stoltzfus  
General Manager  
CSC Corporate Domains  
2711 Centerville Road, Suite 400  
Wilmington, DE 19808

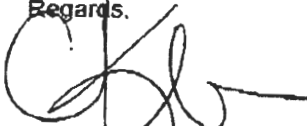
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Microsoft Corporation believes the BTAPPA proposal will enable a more efficient and expeditious transition of the management of our domain name portfolio from Register.com to CSC Corporate Domains, which is in our best interest. We encourage CSC Corporate Domains to seek approval of this proposal from ICANN.

Regards,



Cynthia R. Kern  
Service Manager  
Microsoft Corporation