ICANN Registry Request Service

Ticket ID: B7H3I-5G0R5
Registry Name: VeriSign, Inc,
gTLD: .COM, .NET, .NAME
Status: ICANN Review
Status Date: 2012-03-20 16:29:53
Print Date: 2012-03-20 16:30:00

Proposed Service

Name of Proposed Service:

Bulk Transfer after Partial Portfolio Acquisition ("BTAPPA") for .name

Technical description of Proposed Service:

Background:

BTAPPA will be beneficial in situations where one ICANN-accredited registrar (the "Gaining Registrar") purchases, by means of a stock or asset purchase, merger or similar transaction ("acquisition"), a portion, but not all, of another ICANN accredited registrar's domain name portfolio ("Losing Registrar") in the .name top-level domain ("TLD") or where a Gaining Registrar receives a request from a registrant to transfer a significant number of its second and/or third-level domain names, email forwarding addresses and/or Defensive Registrations (collectively, ".name Registered Items") from a Losing Registrar to such Gaining Registrar.

Unless an entire portfolio of .name Registered Items are being transferred, Gaining Registrars must request that each domain name be transferred individually. Gaining Registrars must meet the following requirements:

o Gaining Registrar must be ICANN accredited for the .name TLD.
o Gaining Registrar must be in good standing and be under a .name Registry-Registrar Agreement with Verisign.
o For an acquisition, Gaining Registrar must provide Verisign with evidence (i.e., affidavit) which sets forth the target closing date. For registrant requests, Gaining Registrar must provide Verisign with a copy of the request.
o .name Registered Items can be be transferred only from one Losing Registrar to one Gaining Registrar,.
o Transfers of .name Registered Items to multiple Gaining Registrars will not be permitted, nor from multiple Losing Registrars to one Gaining Registrar, regardless of familiar relationship.
o Losing Registrar must certify that existing Registrar-Registrant Agreement with customers would not prevent the transfer of .name Registered Items. Losing Registrar must cooperate in good faith to effectuate the transfer.
o Both Gaining and Losing Registrar must approve the list of .name Registered Items subject to the BTAPPA prior to the change in sponsorship by Verisign.
o .name Registered Items with the following statuses at the registry at the time of the transfer will not be subject to the BTAPPA: (i) pending transfer, (ii) pending delete; and (iii) those locked pursuant to Verisign's registry lock service, court order, or for other legal reasons. In addition, and only if approved in the future by ICANN (via the earlier of an ICANN consensus policy or approved registry service request), .name Registered Items in the redemption grace period (RGP) will also not be subject to transfer. .name Registered Items within the 45-day auto renew grace period are subject to BTAPPA,

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but Verisign may decline to provide credit for those .name Registered Items the registrant(s) choose to delete after the partial BTAPPA, but prior to the expiration of the 45-day auto renew grace window.

o If an acquisition, Losing Registrar must agree to provide at least thirty (30) days prior written notice of the partial Bulk Transfer to all registrants associated with .name Registered Items involved in the transfer. Notice must include: (i) a statement that all Transfers Rules and Policies set by ICANN and the Registry shall remain in effect; (ii) instructions on how a 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.

o Gaining Registrar must make request for BTAPPA from Verisign within one (1) calendar year of the closing date of the acquisition.

o Request for BTAPPA service from Verisign is limited to one (1) request per Registrar Affiliate for the Gaining Registrar per six (6) month period unless otherwise agreed to by Verisign.

o Verisign has discretion to reject the request for BTAPPA if it determines that BTAPPA is being requested to avoid fees otherwise due to Verisign or ICANN or to gain an unfair advantage through misleading, deceptive, or other fraudulent scheme.

o BTAPPA may not be requested if the Gaining Registrar's request would otherwise qualify for bulk transfer under Part B of the Policy on Transfer of Registrations Between Registrars implemented by ICANN.

o Once a BTAPPA has been completed, there is no grace period to reverse the transfer.

Consultation

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

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

Not applicable

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

No consultations have occurred for .name specifically. Verisign has twice been requested over the past 12 months or so by 2 different registrars requesting BTAPPA for .name. Verisign has received positive feedback regarding BTAPPA from continuing discussions with registrars. Registrars view the service as an appropriate tool to support the ever changing nature of the registrars' business models.

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

No consultations with other constituency groups were made.

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

Verisign is not aware of any concerns raised by end users following approval of Verisign's .com and .net BTAPPA in 2009.

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

Registrars and registrants would endorse the introduction of BTAPPA.

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

To our knowledge, no one has raised objections to the introduction of BTAPPA. Verisign does not anticipate any objections, especially since Verisign's prior proposal to offer BTAPPA services were approved and no negative comments were received from the community. Further, in the case of the BTAPPA service for the .com and .net TLDs, Verisign is not aware of any objections or negative comments having been received by the registrants impacted by the BTAPPA service to date.

Timeline

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

Since Verisign's Bulk Transfer tool is already in use, Verisign intends to implement BTAPPA as soon as possible following approval of the .name BTAPPA registry service.

Business Description

Describe how the Proposed Service will be offered:

Verisign will offer BTAPPA to all ICANN-accredited registrars in the .name top-level domain. In order to access the service,

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Gaining Registrars must submit a form to Verisign's Customer Service team at info@verisign-grs.com which includes the information described above. Verisign will validate the registrar's identity, enter into a three party agreement with the Gaining Registrar and the Losing Registrar, verify the contents of the submission and schedule the date for BTAPPA.

Verisign may request additional documentation or take additional steps it deems appropriate to ensure that all requirements are met.

Verisign will then submit the file provided by the Gaining Registrar to the Bulk Transfer tool and, upon completion, Verisign's Customer Service will notify both the Losing and Gaining Registrars of the transfer of the list of .name Registered Items as well as any that were not transferred and the reason for non-transfer.

FEES

Verisign will, for a fee of one twelfth of an annual registration fee for each .name Registered Items transferred within the .name TLD, perform a bulk transfer of the of the acquired portfolio of .name Registered Items on a mutually agreed upon date/time within 30 days of request from the losing registrar to the gaining registrar who acquired the portion of the losing registrar's .name Registered Items portfolio. Notwithstanding the foregoing, the aggregate fees payable to a Registry in connection with the bulk transfer of a portion of a losing registrar's portfolio of .name Registered Items shall be a minimum of $5,000 and maximum of $50,000.

Describe quality assurance plan or testing of Proposed Service:

Verisign tests the Bulk Transfer tool as part of each individual software release to the Shared Registry System. The Bulk Transfer tool is frequently used in 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:

No contractual provisions will be impacted.

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

The proposed service will have no impact on the reporting of data to ICANN.

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

BTAPPA will have no effect on Whois. The new registrar will be available in Whois following the completion of the BTAPPA.

Contract Amendments

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

.NAME Agreement Appendix 7: Functional and Performance Specifications: would be amended to add a new section 5.6 "Bulk Transfer Grace Period" which would read as follows:

Section 5.6 Bulk Transfer Grace Period

There is no grace period associated with Bulk Transfer operations. Upon completion of the Bulk Transfer, any associated fee is not refundable.

.NAME Agreement Appendix 7: Functional and Performance Specifications: would be amended to add a new section 14 "Additional Services" which would read as follows:

14.1 Bulk Transfer After Partial Portfolio Acquisition (BTAPPA)

Bulk Transfer After Partial Portfolio Acquisition (BTAPPA) is a registry service available to consenting registrars 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 dot-NAME top-level domain.

At least fifteen days before completing a BTAPPA, the losing registrar must provide to all domain name registrants for names involved in the bulk transfer, written notice of the bulk change of sponsorship. The notice must include an explanation of how the Whois record will change after the bulk transfer occurs, and customer support and technical contact information of the gaining registrar.

If a domain is transferred under the BTAPPA service during any applicable grace period as described in Section 5 above,

ICANN Registry Request Service

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there is no credit. The expiration dates of transferred registrations are not affected.

Domain names in the following statuses at the time of the Transfer Request will not be transferred in a BTAPPA: "pending transfer", "redemption grace period (RGP)", or "pending delete". Domain names that are within the auto-renew grace window are subject to bulk transfer, but Registry Operator may decline to provide a credit for those names deleted after the bulk transfer, but prior to the expiration of the auto-renew grace window.

Registry Operator has discretion to reject a BTAPPA request if there is reasonable evidence that a transfer under BTAPPA is being requested in order to avoid fees otherwise due to Registry Operator or ICANN, or if a registrar with common ownership or management or both has already requested BTAPPA service within the preceding six-month period.

Benefits of Service

Describe the benefits of the Proposed Service:

There is no ICANN policy or provision that currently addresses the business situation where only a portion of a Registrar's domain name portfolio is acquired. This service would facilitate the smooth transfer of a partial portfolio of .name Registered Items from one ICANN accredited registrar or recognized family of registrars to another ICANN accredited registrar.

o Benefit to Registry -Efficient method of changing sponsorship of .name Registered Items where one ICANN accredited registrar purchased a partial portfolio of .name Registered Items sponsored by another ICANN accredited registrar.
o Benefit to Registrars - Provides opportunity to utilize bulk transfer mechanisms to change the sponsorship of a partial portfolio of names purchased from another ICANN accredited registrar or recognized family of registrars.
o Benefits to Registrants - Change of sponsorship of .name Registered Items subject to a partial portfolio acquisition from one registrar to another is open and transparent and in a manner that affords registrants protection under ICANN rules. Allows registrants who manage large portfolios of domain names to transfer their portfolio of names to another qualified registrar of their choice.

Protections are in place to give registrants to opt out of the transfer. In addition, a registrant would have the right to transfer to another registrar after the partial bulk transfer occurred.

Competition

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

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BTAPPA would have no negative effects on competition. The service is designed to facilitate registrars conducting business through the acquisition and sale of partial portfolios of domain name registrations, which will support registrars current and ever changing business models.

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

The market for this service is the registrar community and their customers.

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

Verisign is already providing BTAPPA for the .COM and .NET registries and NeuStar already provides BTAPPA for the .BIZ registry.

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?:

Other TLD registry operators may choose to offer BTAPPA.

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).:

Verisign has no documents to submit.

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Security and Stability

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

No. The proposed service will not alter the storage and input of Registry Data.

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

BTAPPA will have no impact on throughput, response time, consistency or coherence of the responses to Internet servers or end systems.

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:

Verisign is not aware of any Intellectual Property Considerations.

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

(1) Trademark or similar rights may exist or arise with respect to trade names or terminology used in connection with the proposed service. (2) Copyright protection may exist or arise in connection with code written or materials created in connection with the proposed service. (3) Certain information or processes related to the service may be confidential to Verisign and/or subject to trade secret protection. (4) Verisign is not aware of the issuance of any patents by any party with respect to the service.

List Disclaimers provided to potential customers regarding the Proposed Service:

Verisign intends to include industry standard disclaimers in the service agreement.

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Status Date: 2012-03-20 16:29:53
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Any other relevant information to include with this request:

Verisign is simply seeking to make the BTAPPA service available to another TLD for which it serves as the registry operator.
In addition, ICANN has previously approved BTAPPA under similar requests for three TLDs (.COM, .NET, and.BIZ)