



## Registry Services Evaluation Policy (RSEP) Request

April 30, 2019

### Registry Operator

ICM Registry LLC

### Request Details

Case Number: 00923286

This service request should be used to submit a Registry Services Evaluation Policy (RSEP) request. An RSEP is required to add, modify or remove Registry Services for a TLD. More information about the process is available at <https://www.icann.org/resources/pages/rsep-2014-02-19-en>

Complete the information requested below. All answers marked with a red asterisk are required. Click the Save button to save your work and click the Submit button to submit to ICANN.

## PROPOSED SERVICE

### 1. Name of Proposed Service

Adult Block Service - this request applies to all ICM entities (.xxx, .porn, .sex and .adult).

### 2. Technical description of Proposed Service. If additional information needs to be considered, attach one PDF file

The Proposed Service is proposed for ICM Registry LLC and its fully owned subsidiaries (ICM Registry PN, LLC, ICM Registry SX LLC and ICM Registry AD, LLC) (collectively "ICM"), TLDs that may change from time to time (currently: .xxx, .porn, .sex, and .adult).

ICM would like to provide a service called Adult Block (and an Adult Block Plus variation) (collectively "Adult Block Services"). Adult Block Services offer trademark owners the opportunity to protect their labels by making domain names that correspond to their trademarks unavailable for registration ("blocks" or "blocking"), as well as variations of their trademarks in top-level domains ("TLDs") for which ICM has a contract to operate from ICANN.

An amendment to the Registry Agreement (RA) will be submitted. Key attributes:

- Domain name/label must conform to ICANN-mandated name formation rules;
- Domain name/label must not be on any of the lists of names mandated by ICANN to be reserved from registration in the ICM – ICANN registry agreements;
- Adult Block Services protection can be for any year increment, from 1 to 10 years, as per existing ICANN registration policies;
- The Adult Block Plus variation will allow the participant to block confusingly similar variants of their trademarks in the TLD's approved scripts;
- If a block is not renewed, the label will become generally available.

If additional information needs to be considered, attach one file

ICM Registry RSEP (24 April 2019).pdf

## CONSULTATION

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

ICM undertook discussions with several registrars, both those serving the trademark community and those serving the general public, by email, by phone, and in person. The purpose of those discussions was to determine the viability and potential demand for such a product, how it might best be implemented, and if there were any likely unintended consequences that had not been foreseen by ICM. The consulted registrars were supportive of the product offering. The Adult Block Services described here is the result of these discussions.

3a. If the registry is a sponsored TLD, what were the nature and content of these consultations with the sponsored TLD community?

ICM undertook discussions with several registrars, both those serving the trademark community and those serving the general public, by email, by phone, and in person. The purpose of those discussions was to determine the viability and potential demand for such a product, how it might best be implemented, and if there were any likely unintended consequences that had not been foreseen by ICM. The consulted registrars were supportive of the product offering. The Adult Block Services described here is the result of these discussions.

3b. Were consultations with gTLD registrars or the registrar constituency appropriate? Which registrars were consulted? What were the nature and content of the consultation?

ICM undertook discussions with several gTLD registrars serving the adult entertainment industry and the trademark community as well as those serving the general public by email, by phone, and in person. The purpose of those discussions was to determine the viability and potential demand for such a product, how it might best be implemented, and if there were any likely unintended consequences that had not been foreseen by ICM. The consulted organizations were supportive of the product offering. The Adult Block Services described here is the result of these discussions.

3c. Were consultations with other constituency groups appropriate? Which groups were consulted? What were the nature and content of these consultations?

We have had extensive discussions with trademark and brand registrars who participate in various constituency groups; we have also had extensive discussions with other registry providers who participate in the Registry Stakeholder Group. Notably, we consulted with experts who were instrumental in implementing similar services on behalf of other registries and who guided us in our own implementation, through conversations and in writing.

3d. Were consultations with end users appropriate? Which groups were consulted? What were the nature and content of these consultations?

As the Adult Block Services are meant to protect trademark owners (i.e., the end users), we wanted to ensure that our implementation would be both useful to them and easy to use. To that end we have had several conversations – both by e-mail and face to face throughout the last several years – with intellectual property lawyers, trademark owners, brand managers and corporate registrars who believe the Adult Block Services are a good offering to end users. The consulted groups were supportive of the product offering. The Adult Block Services described here is the result of these consultations.

3e. Who would endorse the introduction of this service? What were the nature and content of these consultations?

ICM is not seeking a formal endorsement of the service. Informally, however, as described above, we believe that the service would be welcomed by various organizations.

3f. Who would object the introduction of this service? What were (or would be) the nature and content of these consultations?

ICM does not anticipate any objection to the introduction of this service, as it closely resembles similar services from Donuts, MMX, Uniregistry, and .Club that have been readily accepted.

## TIMELINE

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

ICM plans offer the Adult Block Services as soon as ICANN has approved this RSEP.

## **BUSINESS DESCRIPTION**

5. Describe how the Proposed Service will be offered.

The Adult Block Services will be offered as a chance for trademark owners to quickly and easily make labels unavailable for registration in our TLDs. For those trademark owners registering domain names as a defensive measure only, the Adult Block Services offer an easy, definitive, and cost-effective method for achieving their goals by offering at-a-stroke protection for TLDs included in the program. The Adult Block Services are similar to the Donuts' DPML, Uniregistry's EP and EP Plus and the .Club UNBS and should be immediately understood and accepted by the trademark community.

The Adult Block will allow trademark owners to block unregistered labels in our TLDs that directly match their trademarks. The Adult Block Plus will allow trademark owners to block unregistered, confusingly similar variations of their trademarks in our TLDs.

The program will be offered to ICANN-accredited registrars who have signed both an RRA and the Adult Block Services Agreement. We will reach out to registrars to give them an opportunity to join the program; registrars will be offered the product at a wholesale rate and they may charge their customers as their business model dictates.

6. Describe quality assurance plan or testing of Proposed Service.

ICM's platform has been fully tested and passed all quality assurance (QA) stages, including the functionality needed to facilitate blocking of names.

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

There are no relevant RFCs or white papers on the proposed service at this time.

## **CONTRACTUAL PROVISIONS**

8. List the relevant contractual provisions impacted by the Proposed Service.

For .Porn, .Sex and .Adult: Exhibit A – Approved Services will be impacted. No other provision will be impacted.

For .XXX: Appendix S – the Registry Services stated in Attachment 1 will be impacted. No other provision will be impacted.

8a. If the request is permissible under an existing provision in the agreement, and will not need an amendment, please identify the provision.

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

ICM does not believe that this service will require any additional reporting of data.

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

As these names will not be delegated there should be no impact to Whois.

If additional information needs to be considered, attach one PDF file.

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

None.

If additional information needs to be considered, attach one file.

ICM Registry - Amendment No 5.pdf

## **CONTRACT AMENDMENTS**

12. Please describe or provide the necessary contractual amendments for the proposed service

ICM Registry - Amendment No. 5 relates to .XXX  
ICM Registry - AD Amendment 2 relates to .ADULT  
ICM Registry - PN Amendment 2 relates to .PORN  
ICM Registry - SX Amendment 2 relates to .SEX

## **BENEFITS OF PROPOSED SERVICE**

13. Describe the benefits of the Proposed Service.

In the current expansion of the TLD space, where trademark owners may feel pressured into defensively registering their names across multiple TLDs, the Adult Block Services provide a simple way for trademark owners to block their names from registration for up to 10 years. This aims to give comfort to trademark owners and help reduce the number of disputes and complaints arising from IP rights.

## **COMPETITION**

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

Allowing ICM to provide this service will allow it to fairly compete with substantially similar programs already in place in other registries.

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

As the affected TLDs are authoritative and unique, strictly speaking there is no competition. More broadly construed, however, the market in which we are competing with other registries offering similar services is the registrar market that services trademark holders.

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

Donuts, Inc., Minds + Machines Group Limited, Uniregistry, Inc. and .Club Domains, LLC, all of which are registry operators, offer similar products.

17. 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?

No.

18. 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.

Yes, we will work with our back end provider to provide the service.

19. 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.

Yes. As described above, we have had discussions with several registrars, both those serving the trademark community and those serving the general public, as well as various other organizations who will benefit from such a product.

20. 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).

We are not aware of any such documents.

If additional information needs to be considered, attach one PDF file.

## **SECURITY AND STABILITY**

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

No.

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

Adult Block Services are simply blocked labels so there is no impact to throughput, response times, consistency or coherence of responses to Internet servers or end systems.

23. 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 about the proposed service.

## **OTHER ISSUES**

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

No.

If additional information needs to be considered, attach one PDF file.

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

No.

26. List Disclaimers provided to potential customers regarding the Proposed Service.

We have provided no disclaimers to potential customers regarding the proposed service.

If additional information needs to be considered, attach one PDF file.

27. Please provide any other relevant information to include with the request.

Click the Save button to save your work and click the Submit button to submit to ICANN.

## **Affected TLDs**



Current Registry Operator	Top Level Domain	Registry Agreement Date
ICM Registry LLC	xxx	