Temporary Specification on gTLD Registration Data ("Temp Spec"): Section Mapping to ICANN Registry and Registrar Accreditation Agreements

Temp Spec's Effects on Registry Agreement (RA) and Registrar Accreditation Agreement (RAA) - Working Draft

ICANN Org Operations and Policy Research
11 June 2018

Temp Spec Section	Impact in Registry Agreement	Impact in Registrar Accreditation Agreement	Additional Details
Section 1: Scope			
⊙ **1.1, 1.2**	N/A	N/A	
⊙ **1.3: The requirements of this Temporary Specification supersede and replace the requirements contained in Registry Operator's Registry Agreement and Registrar's Registrar Accreditation Agreement regarding the matters contained in this Temporary Specification. To the extent there is a conflict between the requirements of this Temporary Specification and the requirements of Registry Operator's Registry Agreement and Registrar's Registrar Accreditation Agreement, the terms of this Temporary Specification SHALL control, unless ICANN determines in its reasonable discretion that this Temporary Specification SHALL NOT control. For purposes of clarity, unless specifically addressed and modified by this Temporary Specification, all other requirements and obligations within Registry Operator's Registry Agreement and Registrar's Registrar Accreditation Agreement and consensus policies remain applicable and in force**	⊙ The requirements of Temp Spec supersede those of RA, as applicable	⊙ The requirements of Temp Spec supersede those of RAA, as applicable	
Section 2: Definitions	⊙ N/A. The Temp Spec includes new definitions. All capitalized terms not otherwise defined in the	⊙ N/A. The Temp Spec includes new definitions. All capitalized terms not otherwise defined in the	

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	Temp Spec have the meaning defined in the Registry Agreement or Registrar Accreditation Agreement, as applicable.	Temp Spec have the meaning defined in the Registry Agreement or Registrar Accreditation Agreement, as applicable.	
Section 3: Policy Effective Date	⊙ N/A. The effective date is a new term of the Temp Spec.	⊙ N/A. The effective date is a new term of the Temp Spec.	
Section 4: Lawfulness and Purposes of Processing gTLD Registration Data	⊙ N/A. The provisions concerning the lawfulness and purposes of processing gTLD registration data is a new provision of the Temp Spec and does not map to specific provisions in the Registry Agreement.	⊙ N/A. The provisions concerning the lawfulness and purposes of processing gTLD registration data is a new provision of the Temp Spec and does not map to specific provisions of the RAA.	
Section 5: Requirements Applicable to Registry Operators and Registrars			
⊙ **5.1: Publication of Registration Data. Registry Operator and Registrar MUST comply with the requirements of, and MUST provide public access to Registration Data in accordance with, Appendix A.**	The Temp Spec modifies the following requirements in the Base New gTLD Registry Agreement concerning the publication of registration data: ⊙ Article 2.5: Publication of Registration Data. Registry Operator shall provide public access to registration data in accordance with Specification 4. ⊙ Specification 4 "Registration Data Publication Services," Section 1 "Registration Data Directory Services"	The Temp Spec modifies the following requirements of the RAA: ⊙ Section 1 of the Registration Data Directory Service (WHOIS) Specification concerning publication of registration data. ⊙ Section 3.5.5.5 concerning consent for processing registration data.	⊙ Also impacts Provision 10 of the Registry Registration Data Directory Services Consistent Labeling and Display Policy. This provision of the Consistent Labeling and Display Policy establishes requirements for Registry Operators

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	For Registry Agreements not modeled on Base New gTLD Registry Agreement, the comparable provisions are generally found in the Whois Specification, which is included as an Appendix to the Registry Agreement.		that are permitted to provide redacted RDDS output.
⊙ **5.2: Registrar and Registry Operator Service Level Agreement. Registry Operator and Registrar acknowledge that in its implementation of a Registration Data Access Protocol (RDAP) service, they MUST comply with additional Service Level Agreements. ICANN and the contracted parties will negotiate in good faith the appropriate service levels agreements by 31 July 2018. If the contracted parties and ICANN are unable to define such Service Level Agreements through good faith negotiations by such date, ICANN will require Registrar and Registry Operator to comply with Service Levels that are comparable to those service levels already existing in their respective agreements with respect to RDDS.**	⊙ The Temp Spec will modify Specification 10, "Registry Performance Specifications," Section 2, "Service Level Agreement Matrix". The modification will impose service level requirements for the RDAP service.	⊙ The Temp Spec will modify Registration Data Directory Service (WHOIS) Specification, Section 2, "Service Level Agreement for Registration Data Directory Services". The modification will impose service level requirements for the RDAP service.	

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⊙ **5.3: Registry Operator and Registrar MUST comply with the additional requirements concerning Registration Data escrow procedures set forth in Appendix B attached hereto ("Appendix B").**	The Temp Spec modifies the following requirements of the Base New gTLD Registry Agreement: ⊙ Article 2.3: Registry Operator shall comply with the registry data escrow procedures set forth in Specification 2, "Data Escrow Requirements," within fourteen (14) calendar days after delegation ⊙ Specification 2, "Data Escrow Requirements", Part B For Registry Agreements not modeled on Base new gTLD Registry Agreement, the comparable provisions are generally found in the Data Escrow Specification, which is included as an Appendix to the Registry Agreement.	The Temp Spec modifies the following requirements of the RAA: ⊙ Specification on Privacy and Proxy Registrations, Section 2.5: "Escrow of P/P Customer Information" ⊙ "Registrar Obligations," Section 3.6: "Data Escrow"	
⊙ **5.4: Data Processing Requirements. Registry Operator and Registrar MUST comply with the requirements of, and MUST Process Personal Data in accordance with the terms and conditions set forth in Appendix C attached hereto ("Appendix C").**	⊙ The Temp Spec modifies Section 2.18 of the Base New gTLD Registry Agreement, which includes provisions governing Registry Operator's handling of personal data. ⊙ For Registry Agreements not modeled on the Base New gTLD Registry Agreement,	The Temp Spec modifies the following provisions of the RRA concerning registrar's handling of personal data: ⊙ "Registrar Obligations," Subsection 3.7.7.4 establishing the contents of notices to registered name holders.	

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	the comparable provisions are generally found in Section 3.1 - Covenants of Registry Operator.	⊙ "Registrar Obligations," Subsection 3.7.7.5: "The Registered Name Holder shall consent to the data processing referred to in Subsection 3.7.7.4."	
⊙ **5.5: International Data Transfers between Registry Operator, Registrar, and ICANN**	⊙ N/A. The existing Registry Agreements do not include specific requirements governing international data transfers between Registry Operator, Registrar, and ICANN.	⊙ N/A. The existing RAA does not include specific requirements governing international data transfers between Registry Operator, Registrar, and ICANN.	
⊙ **5.6: Uniform Rapid Suspension (URS). Registry Operator and Registrar MUST comply with the additional requirements for the 17 October 2013 URS High Level Technical Requirements for Registries and Registrars set forth in Appendix D attached hereto ("Appendix D").**	The existing provisions in the Base New gTLD Registry Agreement (Specification 7) requiring compliance with the URS remain unchanged. However, the Temp Spec modifies the URS High Legal Technical Requirements and the URS Rules. See "Additional Details" for further information.	The existing provisions in the RAA (Section 3.8) requiring compliance with the URS remain unchanged. However, the Temp Spec modifies the URS High Legal Technical Requirements and the URS Rules. See "Additional Details" for further information.	The Temp Spec modifies Section 3 of the URS Rules, which establishes the information required to be submitted as part of URS complaint. (See Temp Spec, Appendix D)
⊙ **5.7: ICANN Contractual Compliance. Registry Operator and Registrar MUST provide reasonable access to Registration Data to ICANN upon reasonable notice and request from ICANN for the purpose of investigating compliance-related inquiries and enforcement of the Registry Agreement, Registrar**	⊙ N/A. The provisions concerning reasonable access to registration data for compliance-related inquires is a new provision of the Temp Spec.	⊙ The Temp Spec modifies existing requirements in Section 3.4.2 of the RAA concerning data available to ICANN for compliance-related inquiries.	

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Accreditation Agreement, and ICANN Consensus Policies.			
Section 6: Requirements Applicable to Registry Operators Only			
⊙ **6.1: Bulk Registration Data Access to ICANN: Registry Operator MUST comply with, and MUST provide ICANN with periodic access to Registration Data in accordance with Appendix F attached hereto ("Appendix F").**	The Temp Spec modifies the following sections of the Base New gTLD Registry Agreement requiring Registry Operators to provide, at a minimum, periodic bulk access to "Thin" WHOIS/RDDS data to ICANN: ⊙ Specification 4, "Registration Data Publication Services," Section 1 "Registration Data Directory Services" ⊙ Specification 4, "Registration Data Publication Services," Section 3.1.1, "Contents" (also called "Whois Data Specification – ICANN" in some agreements). ⊙ Specification 4, "Registration Data Publication Services," Section 3, "Bulk Registration Data Access to ICANN" For Registry Agreements not modeled on Base New gTLD Registry Agreement, the comparable provisions are generally found in the Whois Specification, which is included as an Appendix to the Registry Agreement.	⊙ N/A	

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⊙ **6.2. Registry Monthly Reports. ICANN and Registry Operators will negotiate in good faith appropriate additional reporting requirements with respect to its implementation of RDAP by 31 July 2018. If ICANN and Registry Operators are unable to define such additional reporting requirements through good faith negotiations by such date, ICANN will require Registry Operator to comply with additional reporting requirements that are comparable to those already existing in its Registry Agreement with respect to RDDS.**	The Temp Spec will modify the following sections of the Base New gTLD Registry Agreement to address monthly reporting obligations for the RDAP service: ⊙ Article 2.4, "Monthly Reporting" ⊙ Specification 3, " Format and Content for Registry Operator Monthly Reporting" For Registry Agreements not modeled on Base RA, the comparable provisions are generally found in the Registry Operator's Monthly Report requirements, which is included as an Appendix to the Registry Agreement.	⊙ N/A	
⊙ **6.3: Registry-Registrar Agreements**	⊙ The Temp Spec does not change the existing requirement for Registry Operator to use a uniform non-discriminatory agreement with all registrars authorized to register names in the TLD (see Section 2.9 of the Base New gTLD Registry Agreement and Section 7.1 of Registry Agreements not modeled on the Base New gTLD Registry Agreement).	⊙ N/A	

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	However, the Temp Spec adds an additional obligation for Registry Operators to include in their registry-registrar agreements certain data processing requirements concerning the handling of personal data.		
Section 7: Requirements Applicable to Registrars Only			
⊙ **7.1: Notices to Registered Name Holders Regarding Data Processing. Registrar SHALL provide notice to each existing, new or renewed Registered Name Holder stating…**	⊙ N/A	⊙ The Temp Spec modifies "Registrar Obligations," Subsection 3.7.7.4 of the RAA, which establishes the minimum information required to be included in notices that registrars are obligated to send to new or renewed registered name holders.	
⊙ **7.2. Additional Publication of Registration Data**	⊙ The Temp Spec modifies the existing provisions in Section 12 of the Registry Registration Data Directory Services Consistent Labeling and Display Policy, which establishes the conditions under which the Registry Operator may output additional WHOIS/RDDS fields.	⊙ N/A	
⊙ **7.3. Uniform Domain Name Dispute Resolution Policy. Registrar MUST comply with the additional**	⊙ N/A	⊙ The existing provisions in the RAA (Section 3.8) requiring compliance with	The Temp Spec modifies Section 3 of the UDRP Rules,

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requirements for the Rules for the Uniform Domain Name Dispute Resolution Policy set forth in Appendix E attached hereto ("Appendix E").		the UDRP remain unchanged. However, the Temp Spec modifies the UDRP Rules. See "Additional Details" for further information.	which establishes the information required to be submitted as part of UDRP complaint. (See Temp Spec, Appendix E)
⊙ **7.4: Transfer Policy. Registrar MUST comply with the supplemental procedures to the Transfer Policy set forth in Appendix G attached hereto ("Appendix G").**	⊙ N/A	⊙ N/A	The Temp Spec modifies Section 2 of the Transfer Policy, which establishes the process for the gaining registrar to authorize a transfer request. (See Temp Spec, Appendix G)
Section 8: Miscellaneous	⊙ N/A	⊙ N/A	