

CONSENSUS POLICIES AND TEMPORARY POLICIES SPECIFICATION

1. Consensus Policies.

- 1.1. “*Consensus Policies*” are those policies established (1) pursuant to the procedure set forth in ICANN's Bylaws and due process, and (2) covering those topics listed in Section 1.2 of this document. The Consensus Policy development process and procedure set forth in ICANN's Bylaws may be revised from time to time in accordance with the process set forth therein.
- 1.2. Consensus Policies and the procedures by which they are developed shall be designed to produce, to the extent possible, a consensus of Internet stakeholders, including registrars. Consensus Policies shall relate to one or more of the following:
 - 1.2.1. issues for which uniform or coordinated resolution is reasonably necessary to facilitate interoperability, ~~technical reliability~~, security and/or stability of the Internet, Registrar Services, Registry Services, or the Domain Name System (“DNS”);
 - 1.2.2. functional and performance specifications for the provision of Registrar Services;
 - 1.2.3. registrar policies reasonably necessary to implement Consensus Policies relating to a gTLD registry;

Registrar Proposed Text for Section 1.2.4	ICANN Proposed Text for Section 1.2.4
1.2.4. resolution of disputes regarding the registration of domain names (as opposed to the use of such domain names, but including where such policies take into account use of the domain names); <u>or</u>	1.2.4. resolution of disputes regarding the registration of domain names (as opposed to the use of such domain names, but including where such policies take into account use of the domain names); <u>or</u>

- 1.2.5. restrictions on cross-ownership of registry operators and registrars or Resellers and regulations and restrictions with respect to registrar and registry operations and the use of registry and registrar data in the event that a registry operator and a registrar or Reseller are affiliated; ~~or~~
 - 1.2.6. ~~the forms of agreement to which a registrar is a party that relates to the provision of Registrar Services, including, without limitation, the Registrar Accreditation Agreement, or similar successor agreement.~~
- 1.3. Such categories of issues referred to in Section 1.2 shall include, without limitation:
 - 1.3.1. principles for allocation of registered names in a TLD (e.g., first-come/first-served, timely renewal, holding period after expiration);
 - 1.3.2. prohibitions on warehousing of or speculation in domain names by registries or registrars;
 - 1.3.3. reservation of registered names in a TLD that may not be registered initially or that may not be renewed due to reasons reasonably related to (i) avoidance of confusion among or misleading of users, (ii) intellectual property, or (iii) the technical management of the DNS or the Internet (e.g., establishment of reservations of names from registration);

Registrar Proposed Text for Section 1.3.4	ICANN Proposed Text for Section 1.3.4
<p>1.3.4. maintenance of and access to accurate and up-to-date information concerning Registered Names and name servers, including (i) the type of data that must be accessible through an interactive web page and a port 43 Whois service, (ii) the development of a distributed capability that provides query-based Whois search functionality across all registrars, (iii) the development of a centralized Whois database for the purpose of providing comprehensive Registrar Whois search capability and (iv) limits on (A) the Personal Data concerning Registered Names that Registrar may make available to the public through a public-access Whois service and (B) the manner in which Registrar may make such data available;</p>	<p>1.3.4. maintenance of and access to accurate and up-to-date information concerning Registered Names and name servers, including (i) the type of data that must be accessible through an interactive web page and a port 43 Whois service, (ii) the development of a distributed capability that provides query-based Whois search functionality across all registrars, (iii) the development of a centralized Whois database for the purpose of providing comprehensive Registrar Whois search capability and (iv) limits on (A) the Personal Data concerning Registered Names that Registrar may make available to the public through a public-access Whois service and (B) the manner in which Registrar may make such data available;</p>

- 1.3.5. procedures to avoid disruptions of domain name registrations due to suspension or termination of operations by a registry operator or a registrar, including procedures for allocation of responsibility among continuing registrars of the Registered Names sponsored in a TLD by a registrar losing accreditation; and
- 1.3.6. the transfer of registration data upon a change in registrar sponsoring one or more Registered Names.

1.4. In addition to the other limitations on Consensus Policies, they shall not:

- 1.4.1. prescribe or limit the price of Registrar Services;
- 1.4.2. modify the limitations on Temporary Policies (defined below) or Consensus Policies;
- 1.4.3. modify the provisions in the Registrar Accreditation Agreement regarding **terms or conditions for the renewal or termination of the Registrar Accreditation Agreement** or fees paid by Registrar to ICANN; or
- 1.4.4. modify ICANN’s obligations to **not apply standards, policies, procedures or practices arbitrarily, unjustifiably, or inequitably and to not single out Registrar for disparate treatment unless justified by substantial and reasonable cause, and** exercise its responsibilities in an open and transparent manner.

2. **Temporary Policies.** Registrar shall comply with and implement all specifications or policies established by the ICANN Board of Directors (the “*Board*”) on a temporary basis, if adopted by the Board by a vote of at least two-thirds of its members, so long as the Board reasonably determines that such modifications or amendments are justified and that immediate temporary establishment of a specification or policy on the subject is necessary to maintain the stability or security of Registrar Services, Registry Services or the DNS or the Internet (“*Temporary Policies*”).

- 2.1. Such proposed specification or policy shall be as narrowly tailored as feasible to achieve those objectives. In establishing any Temporary Policy, the Board shall state the period of time for

which the Temporary Policy is adopted and shall immediately implement the Consensus Policy development process set forth in ICANN's Bylaws.

- 2.1.1. ICANN shall also issue an advisory statement containing a detailed explanation of its reasons for adopting the Temporary Policy and why the Board believes such Temporary Policy should receive the consensus support of Internet stakeholders.
 - 2.1.2. If the period of time for which the Temporary Policy is adopted exceeds 90 days, the Board shall reaffirm its temporary adoption every 90 days for a total period not to exceed one year, in order to maintain such Temporary Policy in effect until such time as it becomes a Consensus Policy. If the one year period expires or, if during such one year period, the Temporary Policy does not become a Consensus Policy and is not reaffirmed by the Board, Registrar shall no longer be required to comply with or implement such Temporary Policy.
3. **Notice and Conflicts.** Registrar shall be afforded a reasonable period of time following notice of the establishment of a Consensus Policy or Temporary Policy in which to comply with such policy or specification, taking into account any urgency involved. In the event of a conflict between Registrar Services and Consensus Policies or any Temporary Policy, the Consensus Policies or Temporary Policy shall control, but only with respect to subject matter in conflict. **For the avoidance of doubt, Consensus Policies that meet the requirements of this Specification may supplement or supersede provisions of the agreements between Registrar and ICANN, but only to the extent that such Consensus Policies relate to the matters set forth in Section 1.2 and 1.3 of this Specification.**