

ICANN Business Constituency (BC) Comment on
[Proposed Next Round Base gTLD Registry Agreement - Public Comment 2 of 2](#)

17-Nov-2025

Background

This document is the response of the ICANN Business Constituency (BC), from the perspective of business users and registrants, as defined in our Charter. The mission of the BC is to ensure that ICANN policy positions are consistent with the development of an Internet that:

1. Promotes end-user confidence because it is a safe place to conduct business;
2. Is competitive in the supply of registry and registrar and related services; and
3. Is technically stable, secure and reliable.

Instructions

As with the first Public Comment proceeding, we are providing a guided submission form to gather community input. The guided submission form focuses on the proposed incremental changes from the version of the Next Round RA published in first Public Comment and seeks input on whether the revisions to previously proposed new language align with the intent of the policy recommendations noted above.

Please review the proposed New gTLD Program: Next Round Base gTLD Registry Agreement (Next Round RA) and provide feedback by answering the questions below.

The questions are organized by placement in the Next Round RA.

You may respond to as many or as few of the questions as desired.

Q1: Do the changes in Section 4.3(f) of the Next Round RA and Section 3(e) of Specification 11 meet the intent of policy Recommendation 36.4 of the Final Report on the new gTLD Subsequent Procedures Policy Development Process?

Please see the [Final Report on the new gTLD Subsequent Procedures Policy Development Process](#)

Yes

No

If no, please explain:

Recommendation 36.4 of the SubPro Final Report states:

ICANN must add a contractual provision stating that the Registry Operator will not engage in fraudulent or deceptive practices. In the event that ICANN receives an order from a court stating that a registry has engaged in fraudulent or deceptive practices, ICANN may issue a notice of breach and allow the registry to cure such breach according to the Registry Agreement.

Additionally, if there is a credible allegation from any third party of fraudulent or deceptive practices, ICANN may, at its discretion, either initiate dispute resolution actions under the Registry Agreement (currently Article 5) or appoint a panel under the PICDRP. For the purposes of establishing a credible claim, the reporter (as defined in the PICDRP) must only state the grounds of the alleged non-compliance, and does not need to demonstrate personal harm.

The proposed language in the Base RA Section 4.3(f) provides:

“(iii) the Registry Operator is determined by a court of competent jurisdiction or by an arbitrator to have committed fraud or deceptive practices in the provision of Registry Services under this Agreement for the TLD, or is the subject of a judicial or arbitral determination that ICANN reasonably deems as the substantive equivalent.”

Q2: Do the changes in Section 1 of Specification 7 meet the intent of the Sunrise Final Recommendation #1 in Phase 1 Final Report on the Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process?

Please see the [Phase 1 Final Report on the Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process](#)

Yes

No

If no, please explain:

Final Recommendation #1 of the RPM Working Group states:

The Working Group recommends that the Registry Agreement for future new gTLDs include a provision stating that a Registry Operator must not operate its TLD in a way that intentionally circumvents mandatory RPMs imposed by ICANN, or restricts brand owners' reasonable use of the Sunrise RPM.

The proposed changes to Section 1 of Specification 7 read:

“Except as permitted by a Qualified Launch Program or an Approved Launch Program, Registry Operator shall not operate the TLD in such a way as to unreasonably restrict the ability of Trademark Holders to use the Sunrise Services (each as defined in the Trademark Clearinghouse).”

Q3: Is there any other feedback you wish to provide on the incremental changes to the Next Round RA as compared to the first Public Comment version (see Draft Next Round RA - Public Comment Version September 2025 (Incremental Redline))?

Please find the link to this document on the Proposals For Your Input section on the main public comment page.

Yes

No

If YES, please explain:

This comment was drafted by Mason Cole, Ching Chiao and Vivek Goyal. It was approved in accordance with our [Charter](#).