

Subject: Business Constituency comment on proposed registry agreement for .PRO gTLD

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From: Steve DelBianco

To: comments-pro-renewal-28may15@icann.org

The ICANN Business Constituency (BC) submits the attached comment on the Proposed Renewal of .PRO Registry Agreement.

On 21-Jun, we filed [comment](#) on the .TRAVEL registry agreement renewal, where we raised concern with ICANN proposing the URS. The BC reiterates those concerns with respect to the .PRO renewal:

Concern About Top Down, Staff-Initiated Process Inconsistent with ICANN's Bylaws

We interpret the words "ICANN has proposed" to mean that ICANN staff members within the Global Domains Division (GDD) have proposed this approach. As a result, the proposed renewal registry agreement (RA) for .Travel and the other two referenced legacy gTLDs all contain a Section 2.8 (Protection of Legal Rights of Third Parties) that requires compliance with the Trademark Post-Delegation Dispute Resolution Procedure (PDDRP) and the Uniform Rapid Suspension (URS) system, both of which were developed as implementation measures for the general rights protection policy of the new gTLD program.

We wish to make clear at the outset that the BC's concern is not in regard to the adoption of new gTLD rights protection mechanisms (RPMs) for legacy gTLDs. The BC has been a strong advocate for these RPMs as applied to new gTLD registries, and would support the GNSO taking up the question of and initiating a PDP regarding whether they should become consensus policies applicable to all legacy gTLDs.

Rather, our concern is that a unilateral decision by ICANN contractual staff to take the new gTLD registry agreement as the starting point for renewal RAs for legacy gTLDs has the effect of transforming the PDDRP and the URS into de facto Consensus Policies without following the procedures laid out in ICANN's Bylaws for their creation. The fact that these RPMs are present in all three proposed renewal RAs referenced in this letter reinforces that conclusion. While consistency of registry agreements is a worthwhile goal, it should not trump consistency of action in accord with ICANN's Bylaws.

In addition, please see the full BC comment on .TRAVEL renewal ([here](#) and [here](#).) This comment was drafted by Phil Corwin, Andy Abrams, Andrew Mack, and Jim Baskin.

It was approved in accordance with the BC charter.

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Steve DelBianco

Vice chair for policy coordination

ICANN Business Constituency