

Public Comment Summary Report

Proposed Next Round Base gTLD Registry Agreement-Public Comment 2 of 2

Open for Submissions Date:

Tuesday, 30 September 2025

Closed for Submissions Date:

Monday, 17 November 2025 (extended from Monday, 10 November 2025)

Summary Report Due Date:

Monday, 22 December 2025 (extended from Tuesday, 09 December 2025) Updated 26 February 2026

Category:

Policy

Requester:

ICANN org

ICANN org Contact(s):

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Open Proceeding Link:

<https://www.icann.org/en/public-comment/proceeding/proposed-next-round-base-gtld-registry-agreement-public-comment-2-of-2-30-09-2025>

Outcome:

In total, 18 Public Comments were submitted by stakeholders from across the community on the second of two Public Comment proceedings on the proposed 2026 Round Base gTLD Registry Agreement (2026 RA). One of the 18 comments from an individual was supplemented with proposed redlines submitted via Global Support. The Brand Registry Group also sent a supplemental document to their comment directly to staff. Both supplemental documents are appended to this report.

Commenters were requested to consider the incremental changes as compared to the draft 2026 RA provided in the [first](#) Public Comment. The changes included (1) updates resulting from the feedback received in the first Public Comment proceeding, as applicable and appropriate; (2) changes to previously proposed new language that was bracketed because it was under further discussion with the SubPro IRT for policy-related issues or with members of the RySG on operational issues, and (3) further changes to clarify language.

All Public Comments received were reviewed and considered by ICANN org.

Section 1: What We Received Input On

As part of the New gTLD Program: 2026 (Next) Round, ICANN is preparing the 2026 Base gTLD Registry Agreement (2026 RA), outlining the rights and obligations of new gTLD Registry Operators. Once the ICANN Board approves the terms of the new form of the registry agreement, it will serve as the contractual document between successful applicants in the New gTLD Program: 2026 Round and ICANN. ICANN opened two Public Comment proceedings on the 2026 RA to seek input from the community, including potential 2026 RA applicants.

Consistent with the outputs of the Final Report, the 2026 RA is based on the revised Base gTLD RA (approved by the ICANN Board 21 January 2024). It incorporates changes from Board-approved policy recommendations and includes other operational updates based on ICANN's experience since launching the 2012 Round of the New gTLD Program.

The version of the registry agreement posted on 4 June, 2025 for the [first](#) Public Comment proceeding included brackets on some provisions that were still under discussion by ICANN and the SubPro IRT (for policy-related issues) or members of the RySG (for operational issues). The included changes addressed (1) updates resulting from the feedback received in the first Public Comment proceeding, as applicable and appropriate; (2) changes to previously proposed new language that was bracketed because it was under further discussion with the SubPro IRT for policy-related issues or members of the RySG on operational issues, and (3) further changes to clarify language.

The second Public Comment proceeding focused on soliciting feedback on incremental changes made to resolve these bracketed areas in the draft provided in the first Public Comment proceeding.

Updates to previously proposed new language that were bracketed included:

- **Section 2.13 (Emergency Transition):** Removed the previously proposed new language that would have allowed for transition of a TLD to an Emergency Back End Registry Operator (EBERO) provider before the TLD fails any of the Critical Functions under certain conditions.
- **Section 2.19 (Incident Reporting):** Removed the previously proposed new section that was under discussion to find the appropriate implementation path for [SAC074](#). Following a consultation with the ICANN Board, ICANN intends to implement this through a Global Amendment so both current and new registry operators have a consistent obligation for Incident Reporting.
- **Section 4.3(f) (Termination by ICANN); Specification 11, Section 3(e) (Public Interest Commitments):** Revised the previously proposed new language in Specification 11, Section 3(e) to incorporate the wording and intent of Recommendation 36.4 of the Final Report.
- **Section 4.3(h) (Termination by ICANN):** Revised the previously proposed new language to reflect the conditions a registry operator must fulfill before it can initiate mediation to dispute a termination for nonpayment prior to the termination's effectiveness.
- **Specification 7, Section 1 (Rights Protection Mechanisms):** Revised the previously proposed new language to incorporate the wording and intent of Sunrise Final

Recommendation 1 in Phase 1 Final Report on the Review of All Rights Protection Mechanisms in All gTLDs Policy Development Process.

Section 2.13 of Specification 14 remained bracketed pending Board consideration of Recommendations 7.4 and 7.5 from [Phase 1 Final Report on the Internationalized Domain Names Expedited Policy Development Process](#) (IDN EPDP Phase 1). After posting the Public Comment, the ICANN Board passed a [resolution](#) approving Recommendations 7.4 and 7.5. ICANN posted a [Public Comment](#) on Specification 14 (Variant TLDs) to reflect the Board's approval of the recommendations.

The Guided Submission form focused on the proposed incremental changes from the version of the 2026 RA published in the first Public Comment and sought input on whether the revisions to previously proposed language aligned with the intent of the policy recommendations noted above, including:

- If the changes in Section 4.3(f) of the 2026 RA and Section 3(e) of Specification 11 met the intent of policy Recommendation 36.4 of the [Final Report on the new gTLD Subsequent Procedures Policy Development Process?](#)
- If the changes in Section 1 of Specification 7 met 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?](#)

The Guided Submission form also asked if there was any community feedback on the incremental changes to the 2026 RA as compared to the first Public Comment [version](#).

Based on the comments received, ICANN org has updated the proposed 2026 RA. Please find the updated clean version of the proposed 2026 RA and two redlined versions of the proposed 2026 RA (incremental to the September 2025 version and cumulative) on the "Resources" page under "Proposed 2026 Registry Agreement" at <https://icann-community.atlassian.net/wiki/spaces/SPIR/pages/112197947/Resources>.

Section 2: Submissions

Organizations and Groups:

Name	Submitted by	Initials
Brand Registry Group	Jennifer Gore	BRG
At-Large Advisory Committee	Policy staff in support of the At-Large Community	ALAC
Registries Stakeholder Group		RySG
Intellectual Property Constituency	Margaret Milam	IPC
Registrar Stakeholder Group	Zoe Bonython	RrSG
Business Constituency		BC

Individuals:

Name	Affiliation (if provided)	Initials
Khaled Koubaa	N/A	KK
Claude Mènard	Point Québec Registry	CM
Glenn McKnight	ISOC Ontario Chapter	GM
David Lesvenan	Association www.bzh	DL
Sergio Salinas Porto	NA	SSP
Siemen Roorda	NA	SR
Sarah Wyld	Tucows Domains	SW
Shweta Asher	Radix	SA
Saša Kovačević	NA	SK
Amadeu Abril	CORE Association	AA
Pierre-Jean Darres	ISOC Québec	PJD
Kathryn Kleiman	NA	KK2

Section 2a: Appended Submissions

At its discretion, ICANN org accepted two submissions via email to append their submitted comments due to formatting limitations. These submissions have been appended to this summary report.

Organizations and Groups:

Name	Submitted by	Initials
Brand Registry Group	Jennifer Gore	BRG

Section 3: Summary and Analysis of Submissions

ICANN appreciates the time, dedication, and participation of all who contributed in this proceeding and is grateful for the timely feedback received. A summary of all comments is provided below.

To enhance readability, ICANN has organized this report by including a summary of the comments received, followed by ICANN's corresponding analysis. The structure mirrors that of the Public Comment proceeding and is organized by question.

Q1: Do the changes in Section 4.3(f) of the 2026 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?

Recommendation 36.4 of the [Final Report](#) on the New gTLD Subsequent Procedures Policy Development Process states that ICANN should add a contractual provision prohibiting registries from engaging in fraudulent or deceptive practices and, if a court order or credible third-party allegation arises, ICANN may declare a breach, initiate dispute resolution, or appoint a Public Interest Commitments Dispute Resolution Procedure (PICDRP) panel without requiring the reporter to show personal harm.

Comment Summary:

Most commenters indicated that the proposed changes to Section 4.3(f) of the Next Round Registry Agreement and Section 3(e) of Specification 11 do not fully meet the intent of SubPro Recommendation 36.4, though their reasons vary.

Several stakeholders argue that the revisions improve clarity but fall short in key areas required by Recommendation 36.4—particularly predictability, proportionality, and enforcement pathways. Concerns include:

- The absence of explicit principles ensuring proportionate and transparent enforcement, especially for public-interest and community registries.
- The limitation of termination-triggering findings to courts or arbitrators, which commenters say weakens the PICDRP and contradicts Recommendation 36.4's intent that credible third-party allegations be actionable through ICANN mechanisms.
- The scope of the enforcement is too narrow, excluding voluntarily adopted registry services that could still involve fraudulent or deceptive practices.

Some commenters support the updates (e.g., ALAC, BRG) and believe they satisfy Recommendation 36.4. However, the ALAC expressed the concern that Section 4.3(f) limits termination-triggering findings to courts or arbitrators, thereby diminishing the role and authority of the PICDRP.

Overall, while there is broad support for expressly prohibiting registry operators from engaging in fraudulent or deceptive practices, most commenters conclude that the proposed text does not yet fully reflect the policy's intent, particularly regarding the breadth of conduct covered and the mechanisms available for ICANN to act on credible allegations.

Analysis:

ICANN org drafts contractual obligations with the baseline assumption that any policy recommendation adopted by the ICANN Board aligns with the ICANN Bylaws. Accordingly, any prohibition on fraudulent or deceptive conduct by a registry operator must fall within ICANN's defined scope. ICANN is not responsible for enforcing laws of general applicability; rather, ICANN is focused on conduct by registry operators that could jeopardize the security, stability, or resilience of the Internet's system of unique identifiers, which the Bylaws task ICANN with coordinating.

ICANN's implementation of Recommendation 36.4 reflects these principles by focusing on prohibited fraudulent or deceptive practices to those involving registry services required by ICANN to be implemented by registries or critical functions. The limitation to conduct clearly within ICANN's scope also reduces the risk of gaming by competitors who might assert claims that ICANN org could not verify or adjudicate (e.g., securities fraud, mail fraud, or any allegedly illegal conduct that has nothing to do with the provision of registry services). Anchoring the provision to matters within ICANN's scope enables ICANN to enforce fraudulent or deceptive conduct restrictions consistently and fairly across all registry operators.

Further, there is an existing right in Section 4.3(e) of the 2026 RA for ICANN to terminate upon thirty (30) calendar days' notice to the Registry Operator pursuant to a determination by any PICDRP panel.

Accordingly, ICANN's approach appropriately balances effective enforcement with adherence to its limited mission by confining contractual provisions and remedies to conduct squarely within ICANN's scope. When read together with existing termination rights under Section 4.3(e) of the 2026 RA, the implementation of Recommendation 36.4 as proposed in the 2026 RA provides a coherent framework to address fraudulent or deceptive practices related to registry services, while avoiding overreach into matters more properly addressed by courts or other competent authorities.

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?

The Phase 1 [Final Report](#) on the Review of All Rights Protection Mechanisms in All gTLDs proposes a set of targeted improvements and clarifications to sunrise, trademark claims, TMCH services, URS, and post-delegation dispute processes, largely refining or affirming existing mechanisms while emphasizing the need for better data to evaluate their effectiveness.

Comment Summary:

Overall, commenters agree that the updates to Section 1 of Specification 7 improve technical clarity but do not fully implement the intent of Sunrise Recommendation #1. Specifically, Section 1 of Specification 7 as proposed does not yet achieve the clarity, predictability, and fairness required by Sunrise Recommendation #1, and additional clarifications are needed to ensure equitable and future-proof application of Sunrise protections.

Analysis:

Part of ICANN's role in implementing Board-approved policy recommendations via ICANN's agreements with registries and registrars is to translate the policy recommendation into clear, enforceable contractual terms. Sunrise Final Recommendation #1 states that a registry operator "shall not operate its TLD in such a way as to have the effect of intentionally circumventing the mandatory RPMs imposed by ICANN or restricting brand owners' reasonable use of the Sunrise RPM." The policy recommendation speaks of a registry operator's "intent." Drafting enforceable contract language based on this wording would require ICANN to determine a registry operator's *intent* when evaluating a compliance complaint about a registry operator allegedly circumventing the mandatory RPMs. ICANN's enforcement authority must be grounded in objective and measurable criteria so that it can be evenly applied and makes clear to registry operators what is required.

As written, Section 1 of Specification 7 properly limits ICANN's role to enforcing clear, objective obligations related to preventing unreasonable restrictions on trademark holders' ability to use Sunrise Services (as defined in the TMCH Requirements).

With regard to the suggestion to revise the carve-out for QLP and ALP so that such programs cannot circumvent the mandatory RPMs, following several discussions between ICANN and the SubPro IRT, the SubPro IRT proposed the language submitted for Public Comment. ICANN agrees that such programs must not circumvent the mandatory RPMs, and the proposed language achieves the intended goal of the recommendation. Such programs cannot circumvent the RPMs except "as *permitted*" by such programs. Given the programs do *not* permit such circumvention, the carve-out works as drafted.

Regarding the suggestions to provide additional clarity on how the TMCH Requirements are referenced in Specification 7, ICANN notes that the link to the TMCH Requirements are clearly marked in Section 1 of Specification 7 and the link directs the reader to the TMCH Requirements landing page to show both the TMCH Requirements document and a separate document to address Frequently Asked Questions regarding the TMCH Requirements. Further, the reference to paragraphs 1 and 2 are at the suggestion of the SubPro IRT that ICANN incorporated into the proposed 2026 RA.

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?

Comment Summary and Analysis:

I. Latin Diacritics PDP

Comment Summary:

One commenter outlined their concern that the Latin Diacritics policy development process (PDP) will not be implemented in time for the publication of the proposed 2026 RA and since the Latin Diacritics PDP has mirrored those of the IDN Variant EPDP, their request is to add their proposed Specification 15 to address ASCII/Latin Diacritic Set TLDs to the proposed 2026 RA. Several other commenters provided their support for ICANN to include contractual provisions governing the delegation of a top-level domain name containing diacritical marks and its ASCII counterpart. One commenter suggested that ICANN include a contractual placeholder indicating that, should the Latin Diacritic PDP deliver its recommendations on schedule, those recommendations be incorporated into the proposed 2026 RA and Applicant Guidebook (AGB).

Analysis

In response to the request to add contractual obligations to the proposed 2026 RA prior to the finalization of the Latin Diacritics Policy Develop Process (PDP) or in advance of the ICANN Board acting on the Latin Diacritics PDP is not consistent with the GNSO Expedited Policy Development Process in [Annex A-1](#) of the ICANN Bylaws. Once the PDP concludes, the policy recommendations will be forwarded to the Generic Names Supporting Organization (GNSO) Council for deliberation and, if approved, the PDP Recommendations and Final PDP Recommendations Report will be forwarded to the ICANN Board through a Recommendations Report to review and take action. If the Board approves the policy for implementation, ICANN will then work with the Implementation Review Team (IRT) to carry it out. ICANN cannot bypass the policy development process by adding contractual obligations in the proposed 2026 RA before knowing what policy may ultimately be adopted.

Therefore, it is not within ICANN's remit to usurp the policy development process by including proposed contractual obligations in the proposed 2026 RA before all the policy development process steps are taken.

II. Emergency Transition (2.13)

Comment Summary:

Commenters generally support the revisions to Section 2.13 on Emergency Transition, noting that the removal of confusing or duplicative "early-EBERO" language results in clearer, more predictable criteria for triggering an emergency transition. They also highlight that, while the updates improve clarity, further refinement is needed to address scenarios where registry operators rely on third-party service providers. They call for clearer provisions on data handover, liability, and cost recovery to ensure fairness and operational resilience for registries that outsource technical functions.

Analysis:

With respect to the request to clarify the Emergency Transition provision (Section 2.13) to address scenarios in which a registry operator relies on third-party service providers—specifically by adding clearer requirements on data handover, liability, and cost recovery to support fairness and operational resilience—ICANN understands that these details are addressed in the agreement

between the registry operator and its registry service provider before the operator assumes responsibility for the TLD.

As outlined on the [Registry Transition Processes](#) (RTP) webpage, in the event of an emergency transition of a TLD, ICANN follows a defined process to ensure the continuity of critical registry services (DNS resolution, DNSSEC, SRS, RDDS, and data escrow) and to protect registrants. Where necessary, ICANN may transition the TLD to a third-party Emergency Back-End Registry Operator (EBERO) provider for temporary operation, preserving registrant protections until the registry operator can resume normal operations of the TLD or the TLD is transitioned to a successor registry operator.

In addition, the [Common Transition Processes](#) outlines the step-by-step processes and procedures used by the Emergency Back-End Registry Operator Event Team at ICANN org put in place to protect the security, stability, and resiliency of the Domain Name System when the operation of critical registry functions for a TLD is required in response to circumstances in which the registry operator is no longer suitable, able, or willing to perform its registry obligations.

III. Incident Reporting

Comment Summary:

Two commenters addressed the removal of Incident Reporting (prior Section 2.19) from the version of the proposed 2026 RA draft posted in the first Public Comment proceeding. One commenter raised the concern that deferring incident reporting obligations will delay the introduction of an essential registrant protection mechanism described in SAC074 and encouraged ICANN to incorporate a baseline contractual requirement for incident reporting in the proposed 2026 RA. The other commenter suggested that if the Incident Reporting provision is included in a future Global Amendment to the RA, ICANN should broaden the definition of “incident” beyond DNS or availability failures to include data-integrity and algorithmic-process failures in systems that support registry functions.

Analysis:

Regarding the comments on the removal of Incident Reporting (prior Section 2.19) from the proposed 2026 RA, ICANN remains committed to implementing [SAC074](#), as [approved](#) by the ICANN Board in 2018. Effective implementation requires this obligation to apply equally and identically to TLDs operating under both the [current](#) gTLD Base RA and the proposed 2026 RA—adding to the proposed 2026 RA will not achieve that outcome. Further, in response to the request to expand the definition of “incident” to include data-integrity and algorithmic-process failures in systems that support registry functions, ICANN will implement SAC074 in a manner consistent with the SAC074 [recommendations](#).

IV. Date of reference for Fees

Comment Summary:

One commenter reiterated their position shared in the first Public Comment and subsequently addressed by ICANN in the Public Comment Summary and Analysis [Report](#). The commenter suggests replacing the text in Section 6.1 (Registry-Level Fees) specifying the cost as of 1 January, 2025, to a link to the website where current fees are recorded.

Analysis:

The Registry-Level Fixed Fee and the Per-Transaction Fee will be included on a website link in the proposed 2026 RA, as the definition for each states “equal to the amount set forth on [WEBSITE LINK]”. In response to the comment objecting to the date reference (1 January 2025) in Section 6.1(a) of Article 6, ICANN notes that this reference is intentional. It is meant to be a helpful time-stamped baseline so applicants can understand approximately how much their fees may be upon signing by providing the applicable fees at a recent point in time.

V. Centralized Zone Data Service (CZDS)

Comment Summary:

Access to CZDS should be automatic as the service is a valuable ICANN-maintained resource to the security community.

Analysis:

Regarding the comment recommending that zone file access be granted automatically through the CZDS rather than requiring registry operator approval, ICANN notes that the system currently in place allows a registry operator to make zone file access available automatically. If a change to the current practices is considered, it would need to be negotiated as a part of the registry agreement or the result of a policy recommendation as there may be legitimate reasons to have the registry operator not always automatically approve a request.

Therefore, no changes to the proposed 2026 RA are currently contemplated.

VI. String Contention

Comment Summary:

One commenter raised the concern about ICANN’s anti-competitive stance to disallow applicants to come to mutual arrangements in the case of a string contention set.

Analysis:

With respect to Tucows’ comment regarding the prohibition of private contention set resolution, that decision was based on advice from various consultants and Advisory Committees, including Consensus Advice from the Governmental Advisory Committee, and was viewed by the Board as being in the best interests of ICANN, applicant transparency and the Next Round of the New gTLD Program. Specifically, the Board concluded that banning private resolution of contention sets would reduce "gaming" of the application process and would discourage applications from applicants that have an "intent to receive a payout for exiting a contention set, rather than to operate a gTLD." The SubPro PDP Working Group also acknowledged this to be an issue, recommending that "applications must be submitted with a bona fide ("good faith") intention to operate the gTLD." The

Board's full rationale for its decision can be found at (<https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-14-11-2024-en>).

VII. Applicant Support Program

Comment Summary:

One commenter requests ICANN to update the Alternative Section 6.1(a) for Applicant Support TLDs with additional clarity in terms of the “eligibility” and “how ICANN would reasonably determine such eligibility”. They further suggest that it is unclear whether an Applicant Support Program (ASP) registry operator (RO) may voluntarily notify ICANN of its intention to give up its ASP qualifier and the consequences of such a request in terms of any “penalties” to be applied in such cases where no change of control of the registry operator was involved.

Analysis:

In response to the commenter’s request for additional clarity in Alternative Section 6.1(a) for Applicant Support TLDs—specifically regarding how eligibility would be assessed to receive further applicant support amounts—ICANN will base its review on the eligibility criteria outlined in the [ASP Handbook](#), which is an Appendix to the New gTLD 2026 Round Applicant Guidebook. If at any time ICANN reasonably determines that an ASP registry operator no longer meets the eligibility criteria for support, the financial support may no longer apply. The language in the proposed 2026 RA will be updated to provide additional clarity on the basis for how ICANN would reasonably determine such continued eligibility. The language in the proposed 2026 RA will be updated to provide additional clarity on the basis for how ICANN would reasonably determine such continued eligibility. Please see the 2026 Base RA [webpage](#) for the updated draft of the proposed 2026 RA reflecting this change.

Regarding the request for clarity on the potential consequences of a registry operator voluntarily notifying ICANN of its intention to give up its ASP qualifier when no change of control of the RO was involved, there is no penalty for doing so but the registry operator would no longer be entitled to the reduced Registry-Level Fixed Fee schedule set forth in Alternative Section 6.1(a). The language in the proposed 2026 RA will be updated to provide that additional clarity. Please see the 2026 Base RA [webpage](#) for the updated draft of the proposed 2026 RA reflecting this change.

Note, however, that the registry would still be required to follow the provisions of Section 7.5(g) even if the registry relinquishes its ASP qualifier status.

VIII. EPP Section 1.2, Specification 6

Comment Summary:

The Registries Stakeholder Group (RySG) submitted a comment expressing their concern with the proposed updates from ICANN in Section 1.2 of Specification 6. The RySG is concerned that this change could create operational and compliance challenges for registry operators. They suggest that the added language creates a novel requirement for registry operators and recommend removing the text “register the extension(s) in “Extensions for the Extensible Provisioning Protocol (EPP)” IANA registry” and requested that it be removed.

Analysis:

The updates are intended to reduce the duplication of efforts and aid interoperability by making the EPP extensions used by registry operators visible to other registries and client implementers (for example, ICANN-accredited registrars). Following a review of the concerns raised on the proposed language, ICANN is updating Section 1.2 of Specification 6 “EPP” in the proposed 2026 RA as follows Please see the ICANN New gTLD Community Wiki¹ for the updated draft of the proposed 2026 RA reflecting this change:

If Registry Operator requires the use of functionality outside the base EPP RFCs, Registry Operator must document its EPP extensions in Internet-Draft format following the guidelines described in RFC 3735 and register the extension(s) in “Extensions for the Extensible Provisioning Protocol (EPP)” IANA registry at <https://www.iana.org/assignments/epp-extensions/epp-extensions.xhtml> (“EPP Extension Registry”); provided, however Registry Operator is not required to register such extension in the EPP Extension Registry if such extension is: (1) published as an RFC in the IETF using IETF XML namespaces, or (2) such extension is already registered in the EPP Extension Registry.

Update to Public Comment Summary and Analysis Report #2 (February 2026) Please note that following the posting of the Public Comment Summary and Analysis Report #2, the Registries Stakeholder Group (RySG) notified ICANN that it believed its [comment](#) regarding the removal of the new requirement to register EPP Extensions in the IANA EPP registry in Section 1.2 of Specification 6 was not fully addressed, in light of the ongoing discussions within the IETF. Given these ongoing discussions within the IETF and unknown implications to this new requirement, ICANN org removed this language reverting back to the original language in Section 1.2 of Specification 6. Please refer to following incremental redline against the last version shared with the Public Comment Summary and Analysis Report #2 in December 2025 to see the update.

[Draft 2026 RA - February 2026 \(Incremental Redline against December 2025\)](#)

IX. Geographic name TLDs**Comment Summary:**

One commenter suggested that ICANN explicitly state in Specification 11 that Public Interest Commitments (PICs) and Registry Voluntary Commitments (RVCs) cannot replace or bypass the mandatory government support or non-objection requirements for geographic names in the AGB, warning that without this clarification, applicants could exploit a loophole that undermines government authority, creates legal uncertainty, and disrupts consistent application of geographic name rules.

Analysis:

In response to the commenter's concern that a requirement in the evaluation process for geographic name TLDs to demonstrate support or non-objection from the relevant government(s) could be

¹ The updated clean version of the proposed 2026 RA and two redlined versions of the proposed 2026 RA (incremental to the September 2025 version and cumulative) on the “Resources” page under “Proposed 2026 Registry Agreement” at <https://icann-community.atlassian.net/wiki/spaces/SPIR/pages/112197947/Resources>

potentially subverted by an applicant by proposing a Public Interest Commitment (PIC) or Registry Voluntary Commitment (RVC) during the application process, ICANN points to Section 7.5 of the AGB. Section 7.5 of the AGB requires an applicant for a geographic name to provide documentation of support or non-objection from the relevant governments or public authorities. The applicant must provide this for a geographic name to pass the geographic evaluation and, as a result, the recommended changes to Specification 11 and Section 2.17 are unnecessary.

X. “Trademark Licensee” in Specification 13 (.BRAND TLDs)

Comment Summary:

The Brand Registry Group (BRG) addressed ICANN’s concern from the first Public Comment proceeding on the proposed 2026 RA about expanding the definition of “Trademark Licensee” in Specification 13 to include individuals. The BRG’s rationale is that such an expansion is consistent with both the original intent and practical operation of the .BRAND model. Further, the BRG points out that expanding the definition of “Trademark Licensee” to include individuals would strengthen—not undermine—the integrity, accountability, and modern applicability of Specification 13.

Analysis:

In response to the request to expand the definition of “Trademark Licensee” to include individuals, ICANN remains concerned that such a change may undermine the original intent of the .BRAND specification. The purpose of Specification 13 was to establish a narrow exception to certain Registry Agreement obligations (e.g., Code of Conduct, TMCH, registrar use) on the basis that .BRAND TLDs are not open to public registration.

For instance, if the definition were broadened to include individuals, a social media platform could extend its service license in a way that effectively grants trademark rights to all users while still asserting eligibility as a .BRAND. If questioned, the platform might claim that the license is intended for use of the trademark in the normal course of its business outside of TLD registry services, and not primarily to enable domain name registrations or use within the TLD. However, this rationale is subjective and open to interpretation, making it difficult to enforce.

Ultimately, expanding the definition to include individuals would undermine the original intent of Specification 13 and could blur the distinction between .BRAND TLDs and open/generic TLDs. In particular, it could lead to:

- A .BRAND TLD being operated in practice like a generic TLD via individual registrations;
- Registrations occurring outside of the registrar channel, bypassing obligations under the RAA and Consensus Policies; and
- The .BRAND model being used in ways far beyond the limited exception Specification 13 was designed to create.

If a .BRAND TLD registry operator wants to operate the TLD in ways not contemplated in Specification 13, it may choose not to rely on the limited exceptions to certain registry obligations that Specification 13 provides.

Section 4: Next Steps

All Public Comments received were reviewed and carefully considered by ICANN org. Following the Public Comment proceedings for all issues related to the 2026 RA, ICANN will submit the draft 2026 RA to ICANN Board of Directors for consideration.

APPENDED DOCUMENTS

Brand Registry Group (BRG) Nov x, 2025

**To: ICANN Policy Development Support Staff
Internet Corporation for Assigned Names and Numbers (ICANN)**

Subject: Comment on the Definition of “Trademark Licensee” under Specification 13 – Support for Inclusion of Individuals

The Brand Registry Group (BRG) appreciates the opportunity to provide comments regarding ICANN’s concern about expanding the definition of “Trademark Licensee” under Specification 13 to include individuals.

We respectfully submit that such an expansion is consistent with both the original intent and practical operation of the .BRAND model and would strengthen, not undermine the integrity, accountability, and modern applicability of Specification 13.

1. Preserving the Original Intent of Specification 13

The intent of Specification 13, as adopted in 2013, was to create a narrow exception for .BRAND Top-Level Domains (TLDs) that are operated exclusively by and under the control of the trademark owner. This exception was designed to differentiate .BRAND registries from open or generic TLDs that are accessible to the general public.

Expanding the definition of “Trademark Licensee” to include individuals under the direct control or authorization of the trademark holder such as employees, officers, ambassadors, or contractors acting on behalf of the brand does not alter this intent. The controlling entity remains the brand owner, and all domain names continue to be registered and used under its authority and oversight.

This refinement would simply recognize the evolving ways in which brands delegate representation and communication in the digital era, without opening the namespace to the public.

2. The Inclusion of Individuals Maintains Control and Accountability

Specification 13 already contains robust safeguards to ensure that the .BRAND namespace remains closed and controlled. These include:

- Registry Operator exclusivity over domain registrations and allocations;
- Prohibitions against sale or transfer to unauthorized parties;
- Compliance oversight through ICANN’s audit and enforcement mechanisms;
- and
- The obligation to operate in alignment with ICANN Consensus Policies.

Inclusion of individuals as eligible trademark licensees does not weaken these controls. Instead, it allows the brand owner to designate specific individuals, within a clearly defined legal or employment relationship, to use domain names as part of legitimate brand activities.

The Registry Operator remains accountable for all registrations, ensuring that no third-party autonomy or public registration rights are introduced.

3. Reflecting Modern Brand Operations and Market Realities

Since the adoption of Specification 13, the brand ecosystem has evolved substantially. Global corporations increasingly rely on authorized individuals, including but not limited to, executives, brand advocates, and digital representatives to manage personalized communications and digital identities under corporate control.

Maintaining a strict exclusion of individuals now creates unnecessary administrative obstacles for legitimate, brand-controlled use cases. Allowing such individuals to qualify as trademark licensees would enable:

- Enhanced brand engagement and personalization under closed, compliant frameworks;
- Operational efficiency for brands managing complex, multi-regional teams; and
- Continued adherence to Specification 13 principles while adapting to contemporary brand management practices.

This modernization reflects ICANN's broader goal of fostering a flexible, technology-neutral policy environment responsive to current industry realities.

4. No Conflict with the Registrar or Policy Framework

ICANN's concern that individual inclusion could lead to registrations occurring outside the registrar channel is misplaced. Specification 13 already permits Registry Operators to act as their own registrars or to use an affiliated registrar to manage registrations internally.

Expanding the definition would not alter this structure. All registrations would continue to occur through authorized channels and remain subject to the Registry Agreement, the Registrar Accreditation Agreement (RAA), and applicable Consensus Policies.

No bypass or circumvention of registrar obligations would occur, and ICANN compliance enforcement mechanisms would continue to apply as they do today.

5. Alignment with ICANN's Policy Evolution and Precedent

ICANN's multi-stakeholder model and policy framework have historically supported evolution in line with operational and technological developments. The proposed clarification would not represent a substantive policy departure but rather a logical evolution that upholds the spirit of the original framework.

Other ICANN policy areas such as DNS abuse mitigation, registry data escrow, and privacy/proxy accreditation have similarly adapted to reflect new forms of accountability while maintaining core principles of control and compliance.

This measured update to Specification 13 ensures that the .BRAND model remains relevant, effective, and aligned with both business and user expectations.

The BRG urges ICANN to reconsider its position and to support a narrow, controlled inclusion of individuals under the definition of “Trademark Licensee” within Specification 13.

Such a clarification would:

- Preserve the closed and brand-controlled nature of .BRAND TLDs;
- Reflect the operational realities of modern brand ecosystems;
- Maintain all existing compliance safeguards; and
- Strengthen the practical utility and sustainability of Specification 13 as originally envisioned.

The BRG welcomes further collaboration with ICANN staff and the community to develop precise language that ensures both flexibility and protection of the .BRAND model’s integrity.

Regards,

Brand Registry Group (BRG)

From: Claude Mènard, Point Québec Registry

REGISTRY AGREEMENT

2.23 [*Note: For ASCII/Latin diacritic set TLDs.* Registry Operator shall operate the **Base ASCII TLD and the ASCII/Latin diacritic Set.** in compliance with the requirements of Specification 15 attached hereto (“Specification 15”).]

[Note: For ASCII / Latin Diacritic set TLDs Only]

[SPECIFICATION 15

ASCII/Latin diacritic set TLDs

1. Definitions.

1.1. “**Applicable ASCII/Latin diacritic set TLD Registry Agreements**” means this Agreement and all other registry agreements that contain this

Specification 15 between ICANN and the Applicable ASCII/Latin diacritic set TLD Registry Operators.

1.2. **“Applicable ASCII/Latin diacritic set TLD Registry Operators”** means, collectively, the registry operators of top-level domains party to a registry agreement that contains this Specification 15, including Registry Operator.

1.3. **“Base TLD”** is the top-level domain identified in Section 1 1.1 of the agreement

1.4. **“Root Zone Label Generation Rules” or “RZ-LGR”** are the set of rules that determine valid internationalized top-level domain names and their variant names published at <https://icann.org/rz-lgr>, as may be updated by ICANN from time to time to add new characters. However, existing characters in active usage may never be revoked.
(identical to Specification 14)

1.5. **“TLD Set”** includes the Base ASCII TLD and all associated Latin Diacritic TLDs.

1.6. **“ASCII/Latin diacritic set TLD Registry Operator Approval”**
(TBD)

1.7. **“ASCII/Latin diacritic set TLDs”** are the following top-level domain:

(1) [include ASCII/Latin diacritic set TLDs here]

2. Requirements for TLDs Set.

2.1. **Maintenance of the Base ASCII TLD and the ASCII/Latin diacritic Set.** The ASCII Base TLD must remain the Base TLD and the designation of the Base TLD cannot be changed. Each reference to “TLD” in the Agreement shall refer to each of the Base TLD and the Latin Diacritic TLD individually and this Agreement shall apply in full force and effect to the ASCII Base TLD and Latin Diacritic TLD(s) as though each individually had its own registry agreement.

2.2. **Critical Functions and Material Subcontracting Arrangements.** The same entity shall perform the same Critical Function(s) (as identified in Section 6 of Specification 10) for each TLD within the TLD Set.

(identical to Specification 14)

2.3. Change of Control ; Assignment and Changes to Material Subcontracting Arrangements. In the event of an assignment, a direct or indirect change of control or a Material Subcontracting Arrangement pursuant to Section 7.5 of the Agreement, such assignment, change of control or Material Subcontracting Arrangement, as applicable, shall apply to all TLDs in the TLD Set.

(identical to Specification 14)

2.4. Registry Services. Unless otherwise mutually agreed to, all Registry Services shall be offered for all TLDs in the TLD Set, and in the same manner for each TLD.

(identical to Specification 14)

2.5. Delegation of the TLD Set. Registry Operator shall complete all testing and procedures for delegation for all the TLDs in the TLD Set within the time frame specified in Section 4.3(b) of the Agreement; provided however that, if Registry Operator fails to complete all testing and procedures for (i) for the Latin Diacritic TLD, then such Latin Diacritic TLD shall be removed from the TLD Set or (ii) for the Base ASCII TLD, then such Base ASCII TLD within the TLD Set shall be removed. In the case of a removed ASCII Base TLD from the set, the provisions of this Specification 15 shall thereafter no longer have any effect. ICANN may terminate the Agreement pursuant to Section 4.3(b) of the Agreement

2.6. Data Escrow. Registry Operator shall engage with the same Escrow Agent for all TLDs in the TLD Set in accordance with Specification 2.

(identical to Specification 14)

2.7. Zone File Access. Zone file data provided by the Registry Operator pursuant to Section 2 of Specification 4 shall include a separate zone file for each TLD in the TLD Set.

(identical to Specification 14)

2.8. Emergency Thresholds. If any one of the events set forth in (i) through (iii) of Section 2.13 of the Agreement has occurred such that an emergency transition is required for any TLD in the TLD Set, then each TLD within the TLD Set shall be deemed to require the same emergency transition and shall be subject to Section 2.13 of the Agreement.

(identical to Specification 14)

2.9. **Renewal.** If any one of the events set forth in Section 4.2(a) of the Agreement has occurred such that the Agreement shall, upon notice to Registry Operator, terminate at the expiration of the then-current Term for any TLD in the TLD Set, then each TLD within the TLD Set shall be deemed to have reached the same non-renewal threshold.

(identical to Specification 14)

2.10. **Termination.** If any one of the events for termination set forth in Section 4.3 of the Agreement has occurred such that ICANN may exercise its right to terminate the Agreement for any TLD in the TLD Set, then each TLD within the TLD Set shall be deemed to have reached the same termination event.

(identical to Specification 14)

2.11. **Transition of Registry upon Termination of Agreement.** In the event that this Agreement is terminated and any TLD in the TLD Set is removed from the root zone pursuant to Section 4.5 of the Agreement, then each TLD within the TLD Set shall also be removed and in the event any TLD in the TLD Set is transitioned to a successor registry operator, then each TLD within the TLD Set shall be transitioned to the same such successor registry operator.

(identical to Specification 14)

2.12. **Voluntary Removal and Revocation of Base ASCII TLD and/or the ASCII/Latin diacritic Set.** Registry Operator may request to remove either the Base TLD or the Latin Diacritic TLD from the TLD Set. In the event that domain name registrations exist at the second-level under either the delegated ASCII Base TLD(s) or the Latin Diacritic TLD, such request must include a transition plan for the existing domain name registrations under the remove ASCII Base TLD or the Latin Diacritic TLD to be submitted to ICANN for its review and approval. If an amendment to this Agreement removes a Latin Diacritic TLD, the remaining TLD(s) in the TLD Set shall remain delegated. If the Base ASCII TLD is removed, the TLD Set is dissolved and one Latin Diacritic TLD may be retained while the others are also removed. The provisions of this Specification 15 shall thereafter no longer have any effect.

2.13. **[Fees.]^[1]**

(identical to Specification 14)

2.14. **Allocation of Variant Second-Level Names.** Section 7 of Specification 6 shall apply across all TLDs in the TLD Set such that all second-level domain names under the TLD Set are either allocated to the same registrant, or else withheld for possible allocation only to that registrant.

(identical to Specification 14)

2.15. Sections 7.6 and 7.7 of the Agreement, if any amendment contemplated by Section 7.6 or 7.7 of the Agreement (other than bilateral amendments between ICANN and Registry Operator and Board Amendments) would, if effective, amend the express terms of this Specification 15, such amendment shall not amend the express terms of this Specification 15 unless such amendment also receives Base TLD or the Latin Diacritic TLD Operator Approval. For the avoidance of doubt, (i) nothing in this Section 2.15 of this Specification 15 shall restrict ICANN and Registry Operator from entering into bilateral amendments and modifications to this Specification 15 or any other provision of the Agreement, (ii) the requirements of this Section 2.15 of this Specification 15 shall not apply to any Board Amendment or otherwise restrict the adoption of Board Amendments pursuant to Section 7.6 of the Agreement, and (iii) if any amendment does not receive the required Registry Operator Approval under Section 7.6 or 7.7 of the Agreement, as applicable, the terms of this Specification 15 shall not be amended by such amendment even if such amendment receives Variant TLD Registry Operator Approval.

2.16. **[Note: For .Brand TLDs Only:** The following provisions shall apply if this Agreement includes Specification 13:

- (1) If any TLD in the TLD Set ceases to qualify as a .Brand TLD pursuant to Section 1 or Section 2 of Specification 13, then concurrent therewith
 - (i) this TLD within the TLD Set shall cease to be a .Brand TLD, (ii) the Registry Operator shall immediately comply with the provisions of the Agreement no longer modified by Specification 13 (other than Sections 2 and 4.3 of Specification 13) and (iii) the provisions of Specification 13 (other than Sections 2 and 4.3 of Specification 13) shall thereafter no longer have any effect.
- (2) For the avoidance of doubt, each reference to “TLD” in Specification 13, including any reference to “.Brand TLD,” shall refer to each of the Base TLD and Latin Diacritic TLD(s) individually and

Specification 13 shall apply in full force and effect to each Base TLD or the Latin Diacritic as though each individually had its own Specification 13.

(3) Notwithstanding the last sentence of Section 9.4 of Specification 13, Registry Operator shall have one vote for each Base TLD operated by such Registry Operator pursuant to an Applicable Brand Registry Agreement.]]
