

Issues Report: Proposed Amendments to Registrant Eligibility Policies for .BANK and .INSURANCE

August 22, 2016

Executive Summary

fTLD Registry Services' (fTLD) Registrant Eligibility Policies¹ (the "Policies") for the .BANK and .INSURANCE generic Top-Level Domains (gTLDs) include an enumerated list of for-profit and not-for-profit businesses or organizations ("Entities") that are eligible to register domain names in the respective gTLDs for automatic approval as well as a category whereby fTLD's Board of Directors may approve other types of applicants as eligible. These eligibility categories are incorporated into Specification 12 of the .BANK and .INSURANCE Registry Agreements.² Since .BANK launched in May 2015 and .INSURANCE in May 2016, fTLD has received a significant and increasing number of requests for domain names from holding and parent companies, which are associated with community members, that do not neatly fit into the enumerated list of Entities eligible for automatic approval. The purpose of the proposed amendment to the Policies is to provide for the automatic approval **of regulated banking or insurance holding/parent companies** to register domain names in the respective gTLD.

As noted in fTLD's FAQs³, the option available to holding companies to protect their intellectual property rights is to permit registration of domain names corresponding to the holding company's intellectual property by one of the enumerated Entities eligible for automatic approval. However, in this case the full use of the domain name is restricted by fTLD. This process has led to frustration among community members seeking to register and use domain names and created operational inefficiencies for fTLD.

fTLD, in consultation with its Advisory Council⁴ and consistent with its Policy Development Process Policy, has proposed the below outlined Amendments to the Policies for .BANK and .INSURANCE (also see posted redlines) that include a new class of registrant for regulated holding or parent companies eligible for automatic approval.

Proposed Amendments

.BANK

- Addition of Section 3.8: Bank holding or parent companies that are supervised by a relevant government regulatory authority.

.INSURANCE

- Addition of Section 3.7: Insurance holding or parent companies that are regulated by a relevant government authority (e.g., licensed, approved, certified).

Once approved by ICANN, the language in Specification 12 for both the .BANK and .INSURANCE Registry Agreements would need to be amended to reflect these changes.

¹ See www.ftld.com/policies

² See www.ftld.com/resources

³ See www.ftld.com/faq

⁴ See www.ftld.com/advisory-council

Relevant Factual Background and Basis for Proposal

The relationship between holding or parent companies and their subsidiaries exist for business, legal, financial and/or other reasons such as the benefit of the service(s) they provide to one another. In fact, many holding and parent companies do not operate their own websites, but integrate their information with that of their related banking or insurance subsidiaries.

fTLD has approved a number of use restricted (i.e., cannot resolve on the Internet) domain name registrations by eligible subsidiaries for domain names that correspond to the trademark, trade name or service mark of its holding company. These registrations have posed some administrative complications such as the need to verify the relationship between the registrant and its holding company, and to confirm the registrant's acceptance of the use restriction before the domain name is approved.

Recognizing the unique relationship between holding or parent companies and their eligible subsidiaries, fTLD's Operating Manager consulted with its Advisory Council about amending the Policies to include banking or insurance holding or parent companies that are regulated by their relevant government authorities. Amendment to the Policies would enable holding or parent companies to be automatically eligible to register domain names in their own name and without the use restriction.

By recognizing regulated holding or parent companies as a specifically enumerated class of Entities eligible for automatic approval, fTLD will (i) encourage the registration and use of additional domain names by regulated holding or parent companies that want to be recognized by their affiliation with the banking and insurance communities, and (ii) eliminate the administrative issues related to managing the existing registrations corresponding to holding companies.

Public Comment

Consistent with fTLD's Policy Development Process Policy, this Issues Report is posted for public comment. Comments may be submitted to ac@ftld.com and will be accepted until September 21, 2016, at 21:00 UTC. Following the conclusion of the public comment period a final report will be forwarded to fTLD's Board of Directors for consideration.