**Potential ALAC Statement on the Proposed Renewal of .ORG Registry Agreement**

**Background**

The proposed renewal of the .ORG Registry Agreement is the latest in a series of Registry Agreement renewals over the last several years. In most cases, the proposed renewal Agreement followed (with some variations) the form of the current “base Registry Agreement,” first developed for use with “new gTLD” registries. These renewals have included Registry Agreements for.COOP, .MUSEUM, .NET, .MOBI, .TEL, .CAT, .PRO, .JOBS, and .TRAVEL. The renewal of the .ORG Registry Agreement has been posted for public comment concurrently with renewals of Registry Agreements for .BIZ, .INFO, and .ASIA.

ALAC has refrained from commenting on prior proposed Registry Agreement renewals, with one exception: the proposed renewal of the .NET Registry Agreement. Unlike most others, the proposed .NET renewal Agreement did not adopt the form of the then-current base Registry Agreement. Instead, the proposed renewal agreement was based on the current .NET Registry Agreement, with modifications agreed between ICANN and Verisign, along with certain provisions from the base Registry Agreement and certain provisions incorporated into legacy gTLD Registry Agreements (e.g., the 2013 .ORG Registry Agreement). In June 2017, the ALAC submitted the following statement (quoted here in its entirety):

The ALAC does not have any comment to make on the changes to the content of the contract overall as we believe that much of it has been predetermined by agreement. However, the increasing cost of .NET domains is a concern as it would make them unaffordable and thus an accessibility issue for end-users, especially for those in already underserved regions. The proposed 10% annual increase which all goes to the registry is significantly high and should be re-considered. A query was raised as to whether or how .NET funds are returned to serve the Internet community in line with the redistribution of .org funds into the community by the Internet Society, to support Internet development.

Although ALAC chose to comment on the “proposed 10% annual increase” for .NET domains, this provision was actually a feature of earlier .NET Registry Agreements, rather than a new proposal. Also, for the sake of accuracy, the provision in the .NET Agreement called for a 10% maximum price increase (i.e., a cap), rather than a 10% price increase. This distinction is largely a formality, since Verisign (the .NET Registry Operator) had instituted the full 10% price increase each year since at least 2005. By contrast, the ICANN base Registry Agreement has no price caps for domain names.

The 10% cap is also a feature of the current .ORG Registry Agreement. However, the proposed .ORG Registry Agreement does not include a price cap, in line with the base Registry Agreements. This is also true of the proposed .BIZ and .INFO Registry Agreements, also out now for public comment.

ALAC in general, should favor standardizing Registry Agreements.  it allows for transparency and predictability and makes it easier for the community, which only has to focus on one contract (for the most part) instead of many disparate contracts. Consistent with this, ALAC has not objected to the base Registry Agreement, or to its use in prior renewals.

Allowing uncapped pricing in .ORG for the first time should not be viewed merely as a standardization measure. It is a significant change for this TLD. As noted, ALAC did express concern about the 10% price cap in the latest .NET renewal in 2017 (although this was not a new proposal, but rather a feature of prior .NET agreements). However, ncapped pricing does not automatically translate to significant price increases. On the one hand, this possibility should not be ignored.  On the other hand, it shouldn't be exaggerated.  The mission of Public Interest Registry should provide considerable comfort in this regard. A comment similar in spirit to the .NET comment would be prudent.

On the other hand, it probably would not be prudent for ALAC to wade into the “URS wars,” on either side. There are those that claim that adding the URS to the renewal of Registry Agreements should be viewed as a top-down imposition of new policy, and that this somehow interferes with the work of RPM Review WG, and even that it predetermines the outcome of the WG. Others would say that adding the URS to the .org Registry Agreement is not policy at all, and that it is bilateral, not top down, because Registries are free to enter into Registry Agreements that include additional RPMs. They would also say that it does not usurp the WG’s work; the WG is free to come to any policy recommendation it wants, which would then be go to the GNSO Council and, if approved, to the ICANN Board.

The ALAC has no issue with the URS. This is consistent with the interests of end-users, who benefit from the existence of the URS. Consistent with this, ALAC has not objected when the URS has been added to prior renewal RAs. If anything, ALAC is likely to support it.