

## **Topic 9: Public Interest Commitments, Registry Voluntary Commitments, and Community Registration Policies [Proposed Applicant Guidebook Language]**

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## 0. Introduction

ICANN's Mission is to ensure the stable and secure operation of the Internet's unique identifier systems.<sup>1</sup> In furtherance of that Mission, the New gTLD Program has many built-in protections, including robust evaluation of applied-for gTLD strings, applications, and applicants applying to operate those gTLD strings, and ICANN's enforcement of registry operators' compliance with the Registry Agreement (RA).

Public Interest Commitments (PICs), specifically the Mandatory PICs (as further explained in [Section 1] below) and Safeguard PICs (as further explained in [Section 2] below), are one important protection built into the New gTLD Program. Those PICs are binding RA commitments in Specification 11, and ICANN enforces compliance with them. Mandatory PICs and Safeguard PICs are uniform across the relevant RAs, and were implemented in response to the Governmental Advisory Committee (GAC) concerns about applications in the 2012 round of the New gTLD Program relating to issues such as consumer protection, intellectual property infringement, and regulated market sectors such as financial, health, and charities.<sup>2</sup>

In addition to PICs, an applicant will be permitted to propose one or more Registry Voluntary Commitments (RVCs) (as further explained in [Section 3] below) to provide additional safeguards with regard to the registry operator's operation of an applied-for gTLD string. An applicant may propose an RVC to address concerns that are not already addressed by Mandatory and/or Safeguard PICs or via other means. As set out in further detail in [Section 3] below, proposed RVCs are subject to a separate evaluation process, namely the Registry Commitments Evaluation (RCE). ICANN will only approve a proposed RVC if: 1) the RVC meets the RCE criteria set forth in [Section 3.3] below; and 2) the applicant and ICANN each agree that the proposed RVC, if included in the RA, would be enforceable under the ICANN Bylaws and as a practicable matter. As with PICs, RVCs (once approved and incorporated into the RA) are binding commitments in RA Specification 11.<sup>3</sup>

Both PICs and RVCs are subject to the [Public Interest Commitments Dispute Resolution Procedure](#) (PICDRP).

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<sup>1</sup> See ICANN Bylaws, Article 1, Section 1.1(a), <https://www.icann.org/resources/pages/governance/bylaws-en/#article1>.

<sup>2</sup> See more details in the GAC ICANN45 Toronto Communiqué [here](#), the GAC ICANN46 Beijing Communiqué [here](#), and the subsequent ICANN Board resolution (2014.02.05.NG01) [here](#); see more background on the GAC Advice and its impact on the 2012 round of the New gTLD Program [here](#).

<sup>3</sup>In the Registry Agreements between ICANN and existing registry operators from the 2012 round of the New gTLD Program, the terms "Registry Voluntary Commitments" and "RVCs" did not exist and instead, the term "specific public interest commitments" was used (the terms "voluntary PICs" and "private PICs" were also used informally in the past). The draft Registry Agreements for future new gTLDs to be applied-for during the Next Round of the New gTLD Program use the term "specific voluntary public interest commitments" to refer to what we now call "Registry Voluntary Commitments" or "RVCs". This approach conforms to the existing structure and phrasing of the Registry Agreement Specification 11, as well as ICANN's Public Interest Commitments Dispute Resolution Procedure (PICDRP), which continues to be the dispute resolution procedure for addressing alleged complaints that a registry operator may not be complying with one or more Mandatory and Safeguard PICs, as well as future approved RVCs in its Registry Agreement going forward. See [Next Round Registry Agreement at Specification 11, Section 2] and [Topic x: Dispute Resolution Procedures After Delegation] for more information.

As detailed in [Topic x: Application Types] an applicant may choose to designate an applied-for gTLD string as “community-based.” If the applicant identifies an applied-for gTLD string as “community-based,” ICANN will evaluate any Community Registration Policies (as further explained in [Section 4] below) proposed by the applicant for inclusion in the applicable RA by applying the RCE criteria set forth in [Section 3.3] below.

## 1. Mandatory Public Interest Commitments

Mandatory Public Interest Commitments (Mandatory PICs) are included in each RA. Mandatory PICs require each registry operator to implement measures to protect gTLD registrants and Internet users more broadly, and include obligations related to: mitigation of abusive activity; security checks; and transparency in operation. The Mandatory PICs are included in Specification [11] Section [3(a)-(d)] of the Next Round Registry Agreement, namely:

- a. Registry Operator will include a provision in its Registry-Registrar Agreement that requires registrars to include in their Registration Agreements a provision prohibiting Registered Name Holders from distributing malware, abusively operating botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law, and providing (consistent with applicable law and any related procedures) consequences for such activities including suspension of the domain name.
- b. Registry Operator will periodically conduct a technical analysis to assess whether domains in the TLD are being used to perpetrate DNS Abuse. Registry Operator will maintain statistical reports on identified DNS Abuse and the actions taken as a result of the periodic security checks. Registry Operator will maintain these reports for the term of the Agreement unless a shorter period is required by law or approved by ICANN, and will provide them to ICANN upon request.<sup>4</sup>
- c. Registry Operator will operate the TLD in a transparent manner consistent with general principles of openness and nondiscrimination by establishing, publishing and adhering to clear registration policies.
- d. Registry Operator of a “Generic String” TLD may not impose eligibility criteria for registering names in the TLD that limit registrations exclusively to a single person or entity and/or that person’s or entity’s “Affiliates” (as defined in Section 2.9(c) of the Registry Agreement). “Generic String” means a string consisting of a word or term that denominates or describes a general class of goods, services, groups, organizations or

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<sup>4</sup> This item reflects the Registry Agreement Specification 11 Section 3(b) as amended on 5 April 2024. For the purpose of the Registry Agreement, “DNS Abuse” is defined as malware, botnets, phishing, pharming, and spam (when spam serves as a delivery mechanism for the other forms of DNS Abuse) as those terms are defined in Section 2.1 of SAC 115: <https://itp.cdn.icann.org/en/files/security-and-stability-advisory-committee-ssac-reports/sac-115-en.pdf>. See Section 4.1 on p.2 of the 2024 Global Amendment to Registry Agreements: <https://itp.cdn.icann.org/en/files/registry-agreements/base-registry-agreement-global-amendment-05-04-2024-en.pdf>.

things, as opposed to distinguishing a specific brand of goods, services, groups, organizations or things from those of others.

For more information about Generic Strings, see [\[Topic x\]](#) of the Applicant Guidebook.

## 2. Safeguard PICs

In addition to the Mandatory PICs that are included in every RA, a subset of RAs also are required to include Safeguard Public Interest Commitments (Safeguard PICs). See examples among the RAs of the existing gTLDs listed in the table under [\[Section 2.2 below\]](#). If ICANN determines during evaluation that an applied-for gTLD string falls into one or more of the categories set out in [\[Section 2.2 below\]](#), the applicable Safeguard PICs must be included in Specification 11 of the applicable RA.

Safeguard PICs were developed and implemented in response to the Governmental Advisory Committee (GAC) Advice in the [ICANN46 Beijing Communiqué](#) and subsequent [ICANN Board Resolution](#) during the 2012 round of the New gTLD Program.

### 2.1 String Group Determination

In the new gTLD application, the applicant must answer a series of questions that are designed to inform a determination of which Safeguard PICs, if any, would be required in the applicable RA. The applicant's answers to the questions will be published with the application.

At the closure of the application comment period, ICANN will determine whether or not each applied-for gTLD string falls into one of the four Safeguard PIC groups. Upon reaching a determination, the evaluation will be complete and serve as input into the contracting procedure. This determination is not subject to the challenge mechanisms set forth in [\[Topic x: Evaluation Challenges\]](#), as it does not have an impact on the ability for the application to proceed.

See [\[Topic x: Community Input\]](#) for more information about the application comment period.

### 2.2 Applicable Safeguard PICs by String Category

ICANN will use the framework below to determine whether an applied-for gTLD string requires Safeguard PICs, and if so, which Safeguard PICs apply. The framework identifies the four (4) string groups established in response to the GAC Advice in the ICANN46 Beijing Communiqué and provides description and relevant examples.<sup>5</sup> ICANN will apply Safeguard PICs to

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<sup>5</sup> The ICANN46 Beijing Communiqué identified a non-exhaustive list of strings that were applied for in the 2012 Round of the New gTLD Program and advised the Board that Safeguard PICs should apply to those applied-for strings. The GAC organized these identified strings into applicable sub-groups. See details at <https://gac.icann.org/contentMigrated/icann46-beijing-communication>

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applied-for gTLD strings that are identified as falling within the groups of strings set out in the GAC's ICANN46 Communiqué.

The framework identifies which of the ten Safeguard PICs are applied to each of the four string categories.

| String Group No. | String Group   | Description  | Required Safeguards |
|------------------|--|--|---------------------|
| 1                | Regulated Sectors/Open Entry Requirements in Multiple Jurisdictions          | <ul style="list-style-type: none"> <li>String is likely to invoke a level of implied trust from consumers</li> <li>String is likely to carry heightened risks of consumer harm</li> <li>String is associated to a generally open sector, but may require limited registration</li> </ul> <p><i>See full list of strings identified by the GAC as falling within this group in the <a href="#">ICANN46 Communiqué</a>.</i></p> <p><i>Examples: .kid, .degree, .audio, .town</i></p> | 1-3                 |
| 2                | Highly-Regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions | <p>String is associated with an industry where licensing or accreditation is required by local, regional, or national governments. This typically involves an assessment of qualifications, regular inspections, and ongoing government oversight</p> <p><i>See full list of strings identified by the GAC as falling within this group in the <a href="#">ICANN46 Communiqué</a>.</i></p> <p><i>Examples: .cash, .bet, .abogado, .earth, .care,</i></p>                           | 1-8                 |
| 3                | Potential for Cyber Bullying/Harassment                                      | String's implied or actual meaning could result in gTLD  | 1-9                 |

| String Group No. | String Group                      | Description   | Required Safeguards |
|------------------|-----------------------------------|---|---------------------|
|                  |                                   | being used to facilitate harassment or cyberbullying<br><br><i>Example strings identified by the GAC as falling within this group in the <a href="#">ICANN46 Communiqué</a>: .fail, .gripe, .sucks, .wtf</i>  |                     |
| 4                | Inherently Governmental Functions | String is associated with a function that is inherently in the domain of government such as military branches<br><br><i>Example strings identified by the GAC as falling within this group in the <a href="#">ICANN46 Communiqué</a>: .army, .navy, .airforce</i> | 1-8 and 10          |

### 2.3 Safeguard PICs

The Safeguard PICs are the following:

| Safeguard PIC | Safeguard PIC Text  |
|---------------|---|
| 1             | Registry Operator will include a provision in its Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring registrants to comply with all applicable laws, including those that relate to privacy, data collection, consumer protection (including in relation to misleading and deceptive conduct), fair lending, debt collection, organic farming, disclosure of data, and financial disclosures. |
| 2             | Registry Operator will include a provision in its Registry-Registrar Agreements that requires registrars at the time of registration to notify registrants of the requirement to comply with all applicable laws.   |
| 3             | Registry Operator will include a provision in its Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring that registrants who collect and maintain sensitive health and financial data implement reasonable and appropriate security measures commensurate with the offering of those services, as defined by applicable law.   |
| 4             | Registry Operator will proactively create a clear pathway for the creation of a working relationship with the relevant regulatory or industry self-regulatory bodies by publicizing a point of contact and inviting such bodies to establish a channel of communication, including for the purpose of facilitating the  |

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| Safeguard PIC | Safeguard PIC Text  |
|---------------|---|
|               | development of a strategy to mitigate the risks of fraudulent and other illegal activities.   |
| 5             | Registry Operator will include a provision in its Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring registrants to provide administrative contact information, which must be kept up-to-date, for the notification of complaints or reports of registration abuse, as well as the contact details of the relevant regulatory, or industry self-regulatory, bodies in their main place of business.   |
| 6             | Registry Operator will include a provision in its Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring a representation that the registrant possesses any necessary authorizations, charters, licenses and/or other related credentials for participation in the sector associated with the TLD string.   |
| 7             | If Registry Operator receives a complaint expressing doubt with regard to the authenticity of licenses or credentials, Registry Operator should consult with relevant national supervisory authorities, or their equivalents regarding the authenticity.  |
| 8             | Registry Operator will include a provision in its Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring registrants to report any material changes to the validity of the registrants' authorizations, charters, licenses and/or other related credentials for participation in the sector associated with the TLD string in order to ensure they continue to conform to appropriate regulations and licensing requirements and generally conduct their activities in the interests of the consumers they serve. |
| 9             | Registry Operator will develop and publish registration policies to minimize the risk of cyber bullying and/or harassment.  |
| 10            | Registry Operator will include a provision in its Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring a representation that the registrant will take reasonable steps to avoid misrepresenting or falsely implying that the registrant or its business is affiliated with, sponsored or endorsed by one or more country's or government's military forces if such affiliation, sponsorship or endorsement does not exist.  |

### 3. Registry Voluntary Commitments (RVCs)

There may be limited unique circumstances in which the multitude of safeguards built into the application process and into the RA, including the Mandatory and Safeguard PICs, do not completely address a specific issue raised with regard to a gTLD application and/or proposed RA. In these circumstances, an applicant may consider proposing an RVC to help resolve the potential issue.

An applicant's decision to propose an RVC is typically voluntary, with the exception of the RVCs which are recognized by ICANN as being used to resolve an objection or to address GAC Advice (see explanation in [Section 3.2.4.1 below]). These commitments will be contractually binding if they are approved and included in the RA. The substance of RVCs may vary from application to application and could, for example, propose to heighten commitments related to the public interest or codify commitments related to stakeholders that the application supports. An RVC could also institute safeguards that may help overcome a third-party concern with an applied-for gTLD string or application. For example, applicants could propose RVCs in response to Objections, GAC Member Early Warnings or Advice, application comments, or other issues that might otherwise negatively impact the application's evaluation process. See [Topic x: Application Change Requests] and [Topic x: Community Input] for further details about these topics.

An applicant is permitted to include a proposed RVC as part of its application submission. Or, after the application submission, an applicant may request to add a proposed RVC to its application through the Application Change Request process, which includes an application comment period and other conditions as set out in [Topic x: Application Change Requests].

All proposed RVCs that are submitted as part of the application or as an Application Change Request will be part of the public portion of applications, accessible on <https://newgtldprogram.icann.org/>, and open to the public for review and comment via the application comment period. See [Topic x: Community Input and Dispute Resolution] for more information about application comments.

#### 3.1 Factors to Consider Before Proposing an RVC

Before deciding to propose an RVC, applicants are encouraged to review ICANN's Bylaws; relevant ICANN agreements, including but not limited to the RA and the Registrar Accreditation Agreement (RAA); and the ICANN Consensus Policies and Temporary Policies. Applicants and any third parties that raise concerns about any new gTLD applications should consider whether the pre-existing, standardized provisions could provide sufficient safeguards for the applied-for gTLD string, to avoid the need for the evaluation and implementation of a customized RVC.<sup>6</sup>

The ICANN community recommended that ICANN must include the Mandatory PICs in each RA

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<sup>6</sup> See the current ICANN Consensus Policies here: <https://www.icann.org/consensus-policies-en>

and also include Safeguard PICs (where applicable) in RAs for strings identified during the evaluation process as falling within the four string groups set out in [Section 2.2] above. In some cases, it may be possible for an applicant that is not required to implement the Safeguard PICs to propose to use one or more of the approved Safeguard PICs as an RVC to resolve issues or concerns raised regarding an applied-for gTLD string or application.

In addition, applicants should consider whether the performance of a proposed RVC requires the operation of an additional Registry Service.<sup>7</sup> If so, the applicant shall engage its selected Registry Service Provider (RSP) to discuss the implementation of such an additional Registry Service, which must be evaluated through the RSP Program and approved by ICANN. If ICANN identifies a proposed RVC that requires the operation through an additional Registry Service, and such a Registry Service has not yet been approved for the applicant's selected RSP, then the RSP must seek ICANN's approval via the RSP Program before ICANN considers approving the proposed commitment as an RVC.<sup>8</sup>

Any proposed RVC that is incompatible with ICANN's Bylaws, policies, and agreements will not be approved, as explained in [Section 3.3] below.

Applicants are encouraged to consider whether there are other means, separate from the RA, that could help resolve the issue(s) raised regarding the applied-for gTLD string or application. For example, an applicant may consider addressing the concerns, possibly in consultation with the third party that raised the concerns, by including relevant commitments in the applicant's own registry policies, terms of use, or through a separate agreement between the applicant and the third party. Any such separate agreement shall not be enforced by ICANN, and any such third party shall not be a "third-party beneficiary" of the Registry Agreement with ICANN.

### 3.2 Registry Commitments Evaluation (RCE)

Each proposed RVC for each applied-for gTLD string (and its applied-for allocatable variant strings, if applicable) will be subject to ICANN evaluation and approval (i.e., the Registry Commitments Evaluation (RCE)). The purpose of the RCE is to determine whether a proposed commitment meets all the evaluation criteria as set out in [Section 3.3] for inclusion in the RA.

Please note that each Community Registration Policy proposed for inclusion in the applicable RA will also be subject to the RCE. See [Section 4] below for more information about

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<sup>7</sup> Additional Registry Services refer to the services offered by a Registry Service Provider outside of the Critical Functions (i.e., DNS Service, DNSSEC proper resolution, EPP, RDDS, and Data Escrow). See more explanation of the additional Registry Service under section 1.1A-D in the Registry Services Evaluation Policy: <https://www.icann.org/rsep-en>. See details about the Critical Functions in Section 6 of Specification 10 in the Base Registry Agreement (version approved on 21 January 2024): <https://itp.cdn.icann.org/en/files/registry-agreements/base-registry-agreement-21-01-2024-en.html#specification10.6>

<sup>8</sup> If the performance of an approved RVC requires the operation of an approved Registry Service, the commitment itself is expected to be included in Specification 11 of the applicable Registry Agreement, but the approved Registry Service is expected to be included in Exhibit A of the RA.

Community Registration Policies. See [\[Section 3.5\]](#) below for more information regarding the RCE for Variant TLDs.

For details on fees associated with the RCE, please refer to [\[Topic x: Fees\]](#).

### 3.2.1 Applicants Must Identify Purposes for Proposed RVC

The applicant must provide background information to explain why their proposed RVC is relevant, important, and necessary in support of the application. ICANN will conduct a completeness check for this requirement when the RVC is proposed by the applicant, prior to the RCE. This information will help to provide context for the proposed RVC and, in certain cases, could be useful if adjustments to the terms of the RVC are needed to meet the aims of the proposed commitment while also meeting the criteria for an RVC to be included in the RA, as explained in [\[Section 3.3\]](#) below.

For example, if a proposed RVC is submitted in response to a third-party concern raised in an objection, the applicant should identify the specific objection and objector, provide the relevant reference or link to the objection, and offer other pertinent details. These details could include how the applicant constructed the proposed RVC to address the concern, whether the applicant consulted with the objector in the development of the proposed RVC, and the means and systems that the applicant will put in place to ensure compliance with the RVC.

### 3.2.2 Registry Commitments Evaluation Result Notification

ICANN will publish and regularly update the RCE results of all submitted RVCs on [\[this page\]](#) and notify the respective applicants of the outcomes.

### 3.2.3 General Rule: Registry Commitments Evaluation Does Not Impact Application Progression

In circumstances other than the two types of situations identified in [\[Section 3.2.4\]](#) below, the RCE will not impact the ability of the application to proceed. Outside of these exceptional circumstances, the RCE has no impact on the evaluation of an applicant's or application's ability to proceed to contracting, but merely determines whether or not an RVC proposed by an applicant meets the criteria to be included in the applicable RA if the application proceeds to contracting.

The RCE will not determine whether the proposed RVC successfully addresses third-party concerns. While ICANN may take into consideration application comments and other inputs received during its evaluation of proposed RVCs and reserves the right to consult any third party during the RCE, ICANN will not ordinarily involve any third party in the RCE.

If an applicant plans to propose an RVC in an attempt to resolve an objection or other third-party concern, the applicant is encouraged to engage with the party or parties who have raised the

concern before proposing an RVC via the Application Change Request process. If the applicant and third party can reach agreement on an RVC that would resolve the concern before the RVC is proposed as an Application Change Request, this could avoid a situation in which an applicant proposes and ICANN evaluates a proposed RVC that does not, in the view of the third party, address the identified concern with an applied-for gTLD string or application.

If an applicant proposes an RVC during the pendency of objection proceedings in an attempt to resolve an objection or to address some other third-party concern, and that RVC is approved by ICANN, the objector or other third party must separately decide whether and how to continue pursuing the concerns raised.

For example, if an applicant proposes an RVC with the aim to address a concern raised in an objection during the objection “cooling off” period, once the RCE is complete (resulting in either the approval or rejection of the proposed RVC), the objector can then determine whether or not to continue pursuing the relevant objection proceedings. To give another example, an applicant might consider proposing an RVC as an Application Change Request after receiving a GAC Member Early Warning, to reduce a risk of GAC Advice to the Board that could impact the ability of the application to proceed. In this case, the evaluation would not determine whether the proposed RVC would be likely to alleviate the concern raised in the GAC Member Early Warning, but if the RVC is approved, this could inform discussions within the GAC concerning whether or not to issue Advice to the Board on a particular application or applied-for gTLD string.

If an applicant plans to propose an RVC as an Application Change Request in an attempt to address a third-party concern such as those described above, the applicant should keep in mind the relevant timelines and processes for objections, GAC Advice, GAC Member Early Warnings, application comments, etc., if the applicant desires for any approved RVC to be taken into account in those processes. See [\[Topic x: Community Input\]](#) for further details. As noted above, all proposed RVCs that are submitted as an Application Change Request are subject to an application comment period. See more information in [\[Topic x: Application Change Requests\]](#).

### 3.2.4 Exception: Registry Commitments Evaluation Impacts Application Progression

There are two types of situations in which the RCE result will impact the ability of the application to proceed. See [\[Topic x: Applicant Journey\]](#) to learn what to expect when an application is deemed unable to proceed.

#### 3.2.4.1 Situation 1: Commitments Made to Overcome Objections or GAC Advice

If an RVC is recognized by ICANN as being used to resolve an objection or to address GAC Advice, it will be subject to heightened restrictions during the application process and following contract execution.

While the RVCs proposed in this circumstance have “voluntary” in its term, ICANN recognizes that they are not solely proposed at the applicant’s own discretion (voluntarily), but are agreed to by the applicant as a condition to enable the application to proceed.

In order for such an RVC to be used to resolve an objection or to address GAC Advice, it must be approved by ICANN via the RCE. Absent the inclusion of such an approved RVC, the application would be unable to proceed. See [Section x - Objections and Registry Voluntary Commitments] and [Section x - GAC Advice and Registry Voluntary Commitments] under [Topic x: Community Input and Dispute Resolution] for more information.

Proposed RVCs pursuant to this Section 3.2.4.1 are open to the public for review and comment via the application comment period. If the proposed RVCs undergo any changes as a result of the negotiation between the applicant and ICANN in order to be approved by ICANN, both the original proposed and ICANN approved versions of RVCs will be published for application comment. See more information in [Topic x: Application Change Requests].

Due to the specific purpose these RVCs serve, applicants and registry operators generally will not, absent extraordinary circumstances, be able to materially change or remove these commitments once they are approved by ICANN. These commitments are expected to be included in a separate subsection of Specification 11 to make clear that they are subject to heightened restrictions. See [Section 3.4, RVC Addition, Changes, and Removals] for more information.

#### 3.2.4.2 Situation 2: Application Change Request Required Following Rejection of Proposed RVC

If an applicant proposes an RVC as part of its initial application at the time of submission, and the proposed RVC does not pass the RCE, then the application must file an Application Change Request (ACR) to either modify or remove the proposed RVC in order for the application to proceed. The Application Change Request will be reviewed by ICANN according to the published criteria. See [Topic x: Application Change Requests] for more information.

Absent extraordinary circumstances, if the applicant does not submit an Application Change Request within [30] days from the date the applicant is notified that the proposed RVC did not pass the RCE, the application will not be permitted to proceed.

### 3.3 Registry Commitments Evaluation Criteria

ICANN will reject any proposed RVC that is not compatible with the ICANN Bylaws.<sup>9</sup> See criterion 5 in the table below for details.

ICANN will apply the following evaluation criteria for each proposed RVC. A proposed RVC will only be approved if it meets all of the criteria below. In order to meet the criteria, applicants are advised to follow the general guidance associated with each criterion and consider its applicability when constructing the proposed RVC.

Please note that each commitment in the Community Registration Policy that is proposed for inclusion in the applicable RA, as further explained in [Section 4] below, must also meet all of the Registry Commitments Evaluation criteria in order to be approved.

As noted in [Section 3.1] above, applicants may consider including certain commitments outside of the RA, in vehicles such as the applicant’s own registry policies, terms of use, or through a separate agreement between the applicant and a third party. Any such commitment not proposed for inclusion in the Registry Agreement will not be subject to ICANN’s evaluation under the RCE.

| Criterion  | Description  | Guidance   |
|--|--|--|
| 1. RVC must clearly state what commitments “must” be implemented.                    | A proposed RVC must be a compulsory commitment or obligation and must clearly state what commitments the registry operator “must” implement, not what commitments the registry operator “may” or “might” implement.  | <ul style="list-style-type: none"> <li>• <b>Use definitive language:</b> Avoid qualifiers, and express certainty when describing the proposed RVC. State what the applicant proposes that the registry operator “must” do.</li> </ul>  |
| 2. RVC must be clear, detailed, mutually understood between the applicant and ICANN, | Each RVC must clearly state what the RVC requires the registry operator to do. This level of detail in the RVC is necessary to ensure that the RVC is enforceable as a practicable matter. The RVC must be clear, so that in the event of a compliance issue, the registry | <ul style="list-style-type: none"> <li>• <b>Be clear:</b> Use simple and straightforward language that is easy to understand.</li> <li>• <b>Be precise and specific:</b> Avoid vague or ambiguous statements that could lead to misunderstanding.</li> <li>• <b>Be detailed:</b> Specify which entity will be responsible for implementing the RVC; describe the actions, steps or tasks required</li> </ul> |

<sup>9</sup> The five RVC evaluation criteria reflect this fundamental principle, which was recognized by the ICANN Board when it directed ICANN org to implement evaluation criteria and processes for the consideration of commitments proposed by applicants for inclusion in the applicable RAs: “In order to enter into any agreement, ICANN must believe that the proposed terms (including any public interest commitments) are being entered into in service of ICANN’s Mission, which is to ensure the stable and secure operation of the Internet’s unique identifier systems.” (See, rationale for ICANN Board resolutions 2024.06.08.08 – 2024.06.08.10 at <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-08-06-2024-en#section2.b>).

| Criterion  | Description   | Guidance   |
|--|---|--|
| <p><b>objective, and measurable.</b></p>   | <p>operator’s actions can be measured against the objective language in the RVC to determine whether or not the registry operator complied with the RVC.</p>  | <p>to implement the RVC; outline the specific actions that the registry operator must take to fulfill the RVC.</p> <ul style="list-style-type: none"> <li>● <b>Consider registry operator’s internal compliance monitoring:</b> Describe how the registry operator will monitor and assess its implementation of and compliance with the RVC.</li> </ul>   |
| <p><b>3. RVC must specify any applicable limitations.</b></p>  | <p>The applicant must provide details on whether, how, and why a proposed RVC is limited in time, duration, scope, or any other factors, if applicable.</p>   | <ul style="list-style-type: none"> <li>● <b>Define any applicable limitations of the proposed RVC:</b> For example, if an RVC is time-limited, it must state if it will apply for the lifetime of the gTLD, only during a specified launch period, or for some other defined period.</li> </ul>  |
| <p><b>4. RVC should<sup>10</sup> not duplicate or be contrary to requirements under applicable law, ICANN agreements, or ICANN Consensus Policies or Temporary Policies.</b></p> | <p>An RVC should not duplicate obligations that would apply to the registry operator per the RA, applicable ICANN Consensus Policies and Temporary Policies, or applicable law. An RVC will not be approved if it is contrary to applicable ICANN agreements and policies. The registry operator must be able to comply with the RVC while also complying with applicable ICANN agreements and policies. An RVC also must not prevent other parties’ (for example, registrars’) compliance with applicable ICANN agreements and policies.<sup>11</sup> If the performance of a proposed RVC requires the operation of an additional Registry Service, such a Registry Service must be evaluated through the RSP Program and approved by ICANN</p> | <ul style="list-style-type: none"> <li>● <b>Avoid duplication:</b> Before proposing an RVC, an applicant should carefully review provisions in the RA, the RAA, as well as the ICANN Consensus Policies and Temporary Policies to see if there is already such an obligation. If so, the applicant should not propose the RVC.</li> <li>● <b>Enhancements to contract or policy obligations:</b> An RVC could enhance, supplement, or expand upon requirements in the RA and other applicable obligations so long as the RVC is not contrary to those applicable obligations.</li> <li>● <b>RVC must apply alongside other contract and policy requirements:</b> An RVC cannot commit a registry operator to take actions that contradict requirements in the RA or applicable ICANN Consensus Policies or Temporary Policies. An RVC must not commit a registry operator to include terms in its Registry-Registrar Agreements that would require the registrars to take actions in violation of the RAA, applicable ICANN</li> </ul> |

<sup>10</sup> The word “should” (as opposed to “must”) is purposefully used in criterion 4. See, RFC2119 at <https://datatracker.ietf.org/doc/html/rfc2119> (“This word, or the adjective “RECOMMENDED”, mean that there may exist valid reasons in particular circumstances to ignore a particular item, but the full implications must be understood and carefully weighed before choosing a different course”). There may be circumstances in which an RVC that would duplicate requirements under applicable consensus policy or law could be approved at ICANN’s sole discretion, for example, if this type of RVC is necessary to address GAC Advice.

<sup>11</sup> See [Topic x: Next Round Registry Agreement]; the Registrar Accreditation Agreement here: <https://www.icann.org/resources/pages/registrars/registrars-en>; and the current ICANN Consensus Policies here: <https://www.icann.org/consensus-policies-en>

| Criterion  | Description  | Guidance   |
|--|--|--|
|  | before ICANN considers approving the proposed commitment as an RVC.            | Consensus Policies or Temporary Policies, or applicable law.   |
| <p><b>5. RVC must be compatible with ICANN’s Bylaws.</b></p> | <p>ICANN cannot approve an RVC that is incompatible with the ICANN Bylaws.</p> | <p>One area of particular focus under this criterion is whether a proposed RVC would restrict content or use of an applied-for gTLD string.<sup>12</sup> If a proposed RVC would put ICANN in a position of enforcing a registry operator’s compliance with a restriction on content in the applicable gTLD, that proposed RVC will be rejected.<sup>13</sup></p> <p>“Content” is the substance of a message being delivered, whereas non-content-restrictive factors could include how and when content is delivered and by whom. Differentiating between content-restrictive commitments and non-content-restrictive commitments in the context of RVCs involves understanding the scope, focus, and impact of the commitments:</p> <p><b>Scope:</b> Non-content-restrictive commitments could focus on operational, procedural, and technical aspects of the domain name registration and management, rather than specific content within the gTLD.</p> <p><b>Focus:</b> Non-content-restrictive commitments could involve adherence to industry standards, registration eligibility requirements, and procedures that are not specific to content in the gTLD.</p> <p><b>Impact:</b> Non-content-restrictive commitments could influence how domain names are managed and the operational environment in which they exist.</p> |

<sup>12</sup> See additional background information in the ICANN Board Resolution 2024.06.08.08 - 2024.06.08.10 here: <https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-08-06-2024-en#section2.b>.

<sup>13</sup> The ICANN Bylaws state that “ICANN shall not regulate (i.e., impose rules and restrictions on) services that use the Internet’s unique identifiers or the content that such services carry or provide, outside the express scope of Section 1.1(a)....” (See ICANN Bylaws, at Article 1, Section 1.1(c), <https://www.icann.org/resources/pages/governance/bylaws-en/#article1>). Following extensive deliberation and community consultation regarding how the Bylaws impact the evaluation of RVCs, the ICANN Board determined that ICANN should exclude from the Next Round RAs “any RVCs and other comparable registry commitments that restrict content in gTLDs.”

### 3.4 RVC Additions, Changes, and Removals

If a proposed RVC is added or modified after the application submission date and before the applicable RA is executed, it shall be subject to the Application Change Request process, which includes an application comment period for material changes as set out in [Topic x: Application Change Requests]. For different types of application comment periods for proposed RVCs, see [Section x - Application Change Request Types and Required Processes] under [Topic x].

Absent extraordinary circumstances, the RVCs pursuant to [Section 3.2.4.1] above may generally not be materially changed or removed prior to contract execution.

ICANN does not currently have a process for registry operators to request modification to RVCs in RAs that have been executed. ICANN is exploring the possibility of implementing a process for registry operators to request modification to RVCs following contract execution.

### 3.5 Proposed RVC for Variant TLDs

In the event an applicant seeks one or more allocatable variant gTLD strings of an applied-for primary gTLD string and plans to propose an RVC as part of its application or as an Application Change Request, the proposed RVC must apply to both the primary and variant strings and are subject to the same Registry Commitments Evaluation. This requirement also applies to the proposed Community Registration Policy for the applied-for primary and variant strings of a community-based gTLD string explained in [Section 4] below.

## 4. Community Registration Policies

Community Registration Policies are conditions that community-based gTLD registry operators impose upon registrants within their gTLDs. These policies may, but are not required to be, included in the applicable Registry Agreement (RA). Community-based gTLD registry operators may implement any Community Registration Policies outside of the RA which are desired, so long as the policies otherwise comply with the applicable ICANN agreements and policies.<sup>14</sup>

A Community Registration Policy proposed by an applicant for inclusion in the applicable RA must be evaluated pursuant to the Registry Commitments Evaluation (RCE) criteria in [Section 3.3](#) above. A Community Registration Policy that is found to meet these criteria will be included in the applicable RA Specification 12 if the applied-for string proceeds to delegation. As with PICs and RVCs, an approved Community Registration Policy will be subject to ICANN contractual compliance oversight. Community Registration Policies which are included in the RA are subject to the [Registration Restrictions Dispute Resolution Procedure](#) (RRDRP) and the [Community gTLD Change Requests Procedure](#).

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<sup>14</sup> If an applicant for a community-based gTLD desires for a Community Registration Policy to be scored in the Community Priority Evaluation, it must propose such a policy for inclusion in Specification 12 of the applicable Registry Agreement when submitting an application for a community-based gTLD. See [Topic x: Community Priority Evaluation \(CPE\)](#) for more details.

## 5. ICANN Enforcement

ICANN will enforce compliance with PICs, RVCs, and Community Registration Policies evaluated and approved pursuant to the Registry Commitments Evaluation (RCE) criteria in [Section 3.3] above and included in the RA as any other contractual obligations. The PICDRP may be used to address alleged complaints that a registry operator may not be complying with one or more of its PICs or RVCs. The RRDRP may be used to address circumstances in which a community-based gTLD registry operator allegedly deviates from the Community Registration Policies outlined in the Registry Agreement. See [Topic x: Dispute Resolution Procedures After Delegation] for further details about the PICDRP and the RRDRP.