

GAC Advice Response Form for Applicants



The Governmental Advisory Committee (GAC) has issued advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV of the [GAC Singapore Communiqué](#) for the full list of advice on individual strings, categories of strings, and strings that may warrant further GAC consideration.

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Respondent:

Applicant Name	Desi Networks, LLC
Application ID	1-870-27617
Applied for TLD (string)	.desi

Response:

We acknowledge the Singapore GAC Advice.

Thank you.

Regards.

Ravin Ohri, CEO
Desi Networks, LLC

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Respondent:

Applicant Name	Dot Registry, LLC
Application ID	1-880-17627
Applied for TLD (string)	LLC

Response:

As the only community applicant for the extensions of: “INC”, “LLC”, “LLP” and “CORP” we at Dot Registry would like to take this opportunity to commend the GAC for the specific requests delivered through the Singapore communiqué. We are particularly pleased with the re-iteration of recommendations for Category 1 strings, which denotes the insufficient protections created by the non-binding nature of public interest commitments (PICS) and the necessity for pre-verification of registrant data for Category 1 strings.

Over the last two years Dot Registry has worked diligently to create a data pre-verification system for registrants, which will ensure transparency, accuracy in reporting and consumer protection. This process, like many other rights protections mechanisms are detailed in our initial applications. Additionally, through our on-going communications with the Secretary of State’s offices in the United States we have been able to isolate the key requirements necessary to validate a Registrant’s membership in the Community of Registered US Businesses and to monitor their continued compliance over time. It is background research, relationships with the governing bodies who oversee our community, and secure infrastructure, which sets Dot Registry apart from our competitors.

A strong sense of responsibility should be felt by all registries associated to Category 1 strings. Policies for pre-verification, best practices, and control mechanisms should be firmly in place prior to delegation and not be considered optional. Applicants who are unable to delineate specific policies and mechanisms to adhere to GAC recommendations should not be awarded Category 1 strings and PICS should not be considered sufficient to protect these sensitive extensions. It is also important to note the GAC’s continued support of Community Applications and the

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sentiment that where applicable mechanisms should be put in place to support community applicants for sensitive extensions. Community applications represent the strongest form of binding commitment to continued protections over time and are the most closely formatted to meet GAC recommendations.

We encourage ICANN to provide the GAC with specific responses in relation to the concerns listed in the Singapore communiqué and to not minimize the potential damage that could be done to both registrants and end-users should sensitive extensions be awarded to irresponsible parties. The GAC has asked ICANN repeatedly to create sustainable protection mechanisms that are binding for applicants, we at Dot Registry hope the board will respond with concrete, enforceable requirements that mandate verification that mitigates fraud and consumer harm in these sensitive strings.

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Respondent:

Applicant Name	Dot Registry, LLC
Application ID	1-880-35508
Applied for TLD (string)	LLP

Response:

As the only community applicant for the extensions of: “INC”, “LLC”, “LLP” and “CORP” we at Dot Registry would like to take this opportunity to commend the GAC for the specific requests delivered through the Singapore communiqué. We are particularly pleased with the re-iteration of recommendations for Category 1 strings, which denotes the insufficient protections created by the non-binding nature of public interest commitments (PICS) and the necessity for pre-verification of registrant data for Category 1 strings.

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Respondent:

Applicant Name	Dot Registry, LLC
Application ID	1-880-35979
Applied for TLD (string)	INC

Response:

As the only community applicant for the extensions of: “INC”, “LLC”, “LLP” and “CORP” we at Dot Registry would like to take this opportunity to commend the GAC for the specific requests delivered through the Singapore communiqué. We are particularly pleased with the re-iteration of recommendations for Category 1 strings, which denotes the insufficient protections created by the non-binding nature of public interest commitments (PICS) and the necessity for pre-verification of registrant data for Category 1 strings.

Over the last two years Dot Registry has worked diligently to create a data pre-verification system for registrants, which will ensure transparency, accuracy in reporting and consumer protection. This process, like many other rights protections mechanisms are detailed in our initial applications. Additionally, through our on-going communications with the Secretary of State’s offices in the United States we have been able to isolate the key requirements necessary to validate a Registrant’s membership in the Community of Registered US Businesses and to monitor their continued compliance over time. It is background research, relationships with the governing bodies who oversee our community, and secure infrastructure, which sets Dot Registry apart from our competitors.

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Respondent:

Applicant Name	Dot Registry, LLC
Application ID	1-880-39342
Applied for TLD (string)	CORP

Response:

As the only community applicant for the extensions of: “INC”, “LLC”, “LLP” and “CORP” we at Dot Registry would like to take this opportunity to commend the GAC for the specific requests delivered through the Singapore communiqué. We are particularly pleased with the re-iteration of recommendations for Category 1 strings, which denotes the insufficient protections created by the non-binding nature of public interest commitments (PICS) and the necessity for pre-verification of registrant data for Category 1 strings.

Over the last two years Dot Registry has worked diligently to create a data pre-verification system for registrants, which will ensure transparency, accuracy in reporting and consumer protection. This process, like many other rights protections mechanisms are detailed in our initial applications. Additionally, through our on-going communications with the Secretary of State’s offices in the United States we have been able to isolate the key requirements necessary to validate a Registrant’s membership in the Community of Registered US Businesses and to monitor their continued compliance over time. It is background research, relationships with the governing bodies who oversee our community, and secure infrastructure, which sets Dot Registry apart from our competitors.

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We encourage ICANN to provide the GAC with specific responses in relation to the concerns listed in the Singapore communiqué and to not minimize the potential damage that could be done to both registrants and end-users should sensitive extensions be awarded to irresponsible parties. The GAC has asked ICANN repeatedly to create sustainable protection mechanisms that are binding for applicants, we at Dot Registry hope the board will respond with concrete, enforceable requirements that mandate verification that mitigates fraud and consumer harm in these sensitive strings.

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Respondent:

Applicant Name	.music LLC
Application ID	1-959-51046
Applied for TLD (string)	MUSIC

Response:

We appreciate this opportunity to comment on the GAC’s Singapore Communiqué. As a Community applicant with one string, we are grateful for the GAC’s repeated Advice from Beijing, Durban and Singapore regarding applicants which have demonstrable community support.

The music community is vulnerable to online theft on one hand and yet on the other hand much of it is subject to fixed royalty rates set by government statutes. The GAC recognized the “MUSIC” string as sensitive and therefore subject to Category 1 safeguards.

As we noted in response to the Beijing Communiqué, these safeguards were “baked-in” to our application as originally submitted. This is reflective not only of our commitment to our community, but also of our commitment to serve the public interest. Accordingly, we are gratified that in the Singapore Communiqué the GAC advised ICANN “to continue to protect the public interest and improve outcomes for communities, and to work with the applicants in an open and transparent manner in an effort to assist those communities.”

We encourage the ICANN Board of Directors to accept this Advice and to develop a meaningful implementation plan.

From our perspective, it is important that the Community Priority Evaluation process reflect the GAC’s repeated Advice regarding “preferential treatment for all applications with have demonstrable community support.” This means not only following the established guidelines and scoring system as set out in the AGB, but also applying a

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holistic and “common sense” approach to ensure applications with substantial and demonstrable community support (such as ours), do in fact receive preferential treatment.

As a result, we would like to know what mechanisms are in place, or will be created, to ensure the GAC advice regarding Community applications will be taken into account by the EIU evaluators. Specifically, does the Board intend changing the scoring system from the current two points for applicants demonstrating community support (Criterion 4) to something greater, reducing the total points required for applicants scoring points for Community support, will there be another mechanism created in addition to the current scoring system to reflect community support, or does the Board think the current scoring system meets the requirements of GAC advice?

We are also interested to know the response to the question asked by the GAC in item #4 of its attachment to the Singapore Communiqué: “Is ICANN able to provide more detailed information confirming that rules for auctions are consistent with its Bylaws, its not-for profit status, the objectives of the new gTLD Program and the Applicant Guidebook to promote competition, diversity, innovation and consumer choice?”

Again, we thank you for the opportunity to make these comments in response to the GAC’s Singapore Communiqué.

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Respondent:

Applicant Name	HOTEL Top-Level-Domain S.à.r.l.
Application ID	1-1032-95136
Applied for TLD (string)	hotel

Response:

HOTEL Top-Level-Domain S.à.r.l. is the only community-based applicant for the .hotel TLD and is being supported by the global hotel community. We would like to comment to the GAC Singapore communiqué as follows:

We encourage ICANN to provide the GAC with specific responses in relation to the concerns listed in the GAC Singapore communiqué.

We would also like to point out that it is against competitive rules to allow applicants to upgrade their applications in order to comply with the GAC requirements.

HOTEL Top-Level-Domain S.à.r.l. would like to again stress that, as a Community Applicant with established and active relationships within the global Hotel Community, it has committed itself in its application to verify and validate registrations under .hotel.

HOTEL Top-Level-Domain S.à.r.l. also again urges ICANN to ensure that any Public Interest Commitments or changes to applications and TLD operations based on Safeguards filed by applicants in Contention Sets are being bindingly implemented and monitored after being approved as Change Request.

We also agree with the GAC Beijing advice that allowing singular and plural versions of the same strings could lead to consumer harm.

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Respondent:

Applicant Name	HEXAP SAS
Application ID	1-1192-28569
Applied for TLD (string)	MED

Response:

ICANN
Board of Directors
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Paris, April 30th, 2014

Dear Members of the Board of Directors,

HEXAP welcomes the Singapore GAC Communiqué published on March 27th, 2014 and considers the statements of the GAC meet the expectations and wishes of the Internet Community by saving the public interests.

1. **GAC Advice #2: safeguard advice applicable to all new gTLDs and Category 1 and Category 2 strings**

Applying for .MED, a string dedicated to a regulated sector and with restricted registration policies, HEXAP would like to recall its answer we respectfully submitted to the Beijing GAC Advice¹. This document exposed how a permanent sunrise is monitored by HEXAP's Medical Clearinghouse which will be active for each and every domain name registration and will form an intrinsic part of the domain name lifecycle. The Medical Clearinghouse will be operated for registrant's occupation identification and continuous licence checking among other services offered to the community in order to maximize transparency and build confidence.

Moreover, HEXAP reviewed with great interest the ICANN NGPC RESOLUTION No. 2014.02.05.NG01 where Specification 11 public interests commitments are consistent with HEXAP safeguards. These safeguards are mainly detailed in our responses to Questions 18b, 20e and 26 and described in the answer to Beijing GAC Advice.

The purpose of the MED gTLD is to establish a stronger trust between patients and health care providers on the Internet. For this matter, all disclosable professional data collected by the Medical Clearinghouse that has been verified will appear on the WHOIS as described in our responses to Questions 18b and 24. This procedure will be in place in order to strengthen data accuracy when the registrar temporary fails to provide up-to-date information or provide more information regarding the occupation of the registrant.

¹<http://newgtlds.icann.org/sites/default/files/applicants/23may13/gac-advice-response-1-1192-28569-en.pdf>

2. GAC Advice #3: Community applications

HEXAP is pleased to read the third GAC Advice asking for a preferential treatment of community applications. We do believe the mechanisms of an accountable community application are the safest way to protect the best interests of the patient on the Internet.

HEXAP's .MED:

- is the only community health-related application (with .PHARMACY), hence endorsed by recognized community institutions with a global and substantive representation;
- has a clear policy with comprehensive registration rules for each kind of registrant by dint of our Medical Clearinghouse;
- limits the registrant list to: Practitioners, Healthcare Facilities and Institutions, and excludes health-related businesses (such as insurances) and individuals;
- requires strong commitments towards the patient; among them (quoting the response to Question 20e): *« the registrant of a domain name will be committed to serve and share information aimed at patients, always considering the best interests of patients, their dignity and privacy. The registrant commits to provide information in accordance with the state of the art (scientific sources), and that is honest, clear, appropriate and meets the needs of patients with whom they engage under the .MED domain name. »*;
- requires a strong eligibility for choosing a given domain name label.

The nature of the community application ensures the best guarantee for a top to bottom accountability: ICANN, the registry supported by the Medical Clearinghouse, the accredited registrar and the licensed healthcare provider registrant.

Furthermore, it extends the ICANN multi stakeholder model to a TLD, making it in a way superior to a sTLD merely endorsed by only one organization. Indeed:

- As described in our response to Question 18b, the registrant professional credential *« are checked for every domain name creation, renewal, transfer and trade. This information will also be monitored by the .MED scientific council and accredited medical colleges, and will be open to any authority wanting to be a .MED stakeholder and supervise regional and professional scoped registrations. »*.
- As described in our response to Question 20e, *« the registrant must acknowledge that any supervising authority will be entitled to request the Registry Operator to suspend a domain name if such domain name is used in an illegal manner, or if the registrant no longer meets the eligibility requirements. »*

For the record, these commitments from HEXAP were written before the establishment of the Public Interest Commitments Dispute Resolution Procedure. They meet in fact the Category 1 implementation framework of the NGPC which requires

« 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 development of a strategy to mitigate the risks of fraudulent and other illegal activities ». We also hope these commitments will be welcomed by the ALAC who recently asked for a Policy Advisory Board for sensitive strings.

In general, HEXAP believes that underscoring the role of a community may avoid the loss of opportunity to see one and only application that serves both patients and healthcare providers best interests, and the risk that a portfolio applicant with opaque policies, which would even use a respectable community member as a proxy, may succeed.

3. Conclusion

HEXAP wholeheartedly agrees with the GAC to increase the focus on the community applications. The .MED has been identified as a sensitive string which requires accountability and transparency. Those criteria are fulfilled by HEXAP as a community applicant for a regulated sector by deploying:

- a responsible domain name registration process with highly restricted rules defined by clear policies;
- a Medical Clearinghouse dedicated to monitor the registrant identity at all time and the fair use of its domain names for the patient best interests;
- a reliable WHOIS service providing advanced information regarding the qualification of the registrant;
- its best efforts of cooperation and openness to all stakeholders of the medical sector.

Sincerely,

Dr. Raphaëlle Laubie
President



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Respondent:

Applicant Name	TLDDOT GmbH
Application ID	1-1273-63351
Applied for TLD (string)	GMBH

Response:

We are the only community-based applicant for the extension .GMBH and are being supported by the GMBH community including the respective governments of the countries where GMBH is a corporate identifier. We would like to comment to the GAC Singapore communiqué as follows:

We appreciate the re-iteration of recommendations for category 1 strings, which denotes the insufficient protections created by the non-binding nature of public interest commitments (PICs) and the necessity for verification of registrant data for Category 1 strings. We also echo our past comments made to the GAC Early Warnings and GAC Advices.

We have worked for over four years with the GMBH community and oversight governing bodies to ensure that the safeguards that a corporate identifier gTLD such as .GMBH deserves are implemented properly. The verification of registrants and registrant data is a major part of this and has been documented with our application. Additionally the respective governments of Austria, Germany and Switzerland have articulated their requirements to ICANN, too. We are consistent with those requirements as well. None of our competitors has taken such in-depth efforts.

As community-based applicant we are responsible for the all over quality of the management of the corporate identifier .GMBH. The verification of the registrant and domain names, community involvement, control mechanisms and a policy council are integral part of the DNA of our application. Other applicants who were unable to delineate specific policies and mechanisms in their applications or to adhere to GAC recommendations should not be awarded category 1 strings. Their PICs should not be considered sufficient to protect a sensitive TLD like .GMBH. It is also important to note that the GAC communiqués continued to support community-based applications and their safeguards. We also reiterate that community-based

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applications represent by far the strongest form of binding commitment to continued protections over time and are the most closely formatted to meet GAC recommendations.

We encourage ICANN to provide the GAC with specific responses in relation to the concerns listed in the GAC Singapore communiqué. ICANN should not try to minimize the potential damage that could be done to both registrants and end-users should corporate identifier TLDs like .GMBH be awarded to irresponsible applicants.

We additionally advise ICANN that it is against competitive rules to allow applicants to upgrade their applications in order to comply with the GAC requirements. It is better for registrants and end-users not to approve any of the applications for a corporate identifier rather than to approve a cobbled application that consists of un-sufficient policies, PICs, Change Requests, Safeguards and other anti-competitive plaster.

Therefore we hope that ICANN comes up with concrete, enforceable requirements and sustainable protection mechanisms that are binding for applicants and echo the GAC's requirements and the individual GAC member responses to particular strings.

Dirk Krischenowski
CEO and Founder

30 April 2014

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Respondent:

Applicant Name	Asia Spa and Wellness Promotion Council Limited
Application ID	1-1309-81322
Applied for TLD (string)	SPA

Response:

Dear ICANN Board, NGPC and GAC,

We welcome the GAC advice on .SPA and appreciate the opportunity to respond.

With the confirmation from the GAC advice that *“the GAC understands that the relevant parties in these discussions are the city of Spa and the applicants”*, the path forward is clear. According to the Applicant Guidebook (AGB: 2.2.1.4.2), the determination of *“which governments are relevant”* to a geographic name requiring government support (or non-objection) is based *“on the inputs of the applicant, governments, and its own research and analysis.”* The GAC advice states clearly that the relevant government entity for .SPA is the city of Spa.

Also according to AGB: 2.2.1.4.2: *“An application for a city... will require documentation of support or non-objection... if: (a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name; and (b) The applied-for string is a city name as listed on official city documents.”* The fact that “SPA” is a city name as listed on official city documents is apparent.

It is important to note that here, the AGB specifically uses the phrase *“purposes associated with the city name”* and NOT “purposes associated with the city”. This represents a significant difference for the specific case of “SPA” because the city name “Spa” is the etymological origins of the term “spa”, which is associated with the city’s thermal spring water, now synonymous with hydrotherapy and springs with healing

properties. The use of “spa” for purposes related to hydrotherapy and springs with healing properties must therefore logically be interpreted as “*purposes associated with the city name.*” It is also important to note that the AGB specifically used “*associated*” which casts a wider net to allow governments to appropriately weigh in to address the challenge of city names, also identified in AGB: 2.2.1.4.2, “*because city names may also be generic terms or brand names*”.

It is clear from applicant statements from BOTH remaining applications for .SPA that the applicant intends to use the TLD “*primarily for purposes associated with the city name*” (even if it is not for purposes associated with the city or its citizens):

ASWPC application (18a):

.spa is dedicated to the spa and wellness community

Donuts (Foggy Sunset, LLC) application (18a):

There are literally hundreds of different uses of the word SPA, broadly including day spas, dental spas, garden spas, medical spas, bath spas, hot tubs, soda fountains, etc.

Note that ALL of the listed “different uses of the word SPA... day spas, dental spas...” are “*primarily for purposes associated with the city name*” as explained above, despite the continued insistence by the other applicant (Donuts) otherwise in their subsequent response to GAC advices.

AGB: 2.2.1.4 further stipulates that “*applied-for gTLD strings will be reviewed according to the requirements... regardless of whether the application indicates it is for a geographic name.*”

The other applicant (Donuts) further contends in their response to the Durban GAC Advice (<http://newgtlds.icann.org/sites/default/files/applicants/28aug13/gac-advice-response-1-1619-92115-en.pdf>) that “*Other city examples are not delayed... numerous additional applications for various names that are generic dictionary terms, but also are names of cities. For example: .TOURS (Tours, France), .PINK (Pink, Oklahoma, US), .ORANGE (Multiple cities in France, Australia, US). Clearly none of these TLDs are targeted toward the respective cities mentioned*” Following the AGB, none of the examples: “tours”, “pink” or “orange” meet the requirements to be considered a geographic name (city name) requiring government support (or non-objection), primarily because the applicants are not using the TLD for “*purposes associated with the city name*”. Unlike “spa” the etymological origins of the words “tours”, “pink” or “orange” are not associated with the corresponding cities and therefore the stated purposes from the applicants (“tours”: unspecified; “pink”: create an Internet identity tied to the color, “orange”: promote the identity and authenticity of its brand Orange as a global telecommunications company) are not associated with the city name.¹

¹ See Exhibit A

Finally, according to AGB: 3.1, “GAC Advice on New gTLDs is intended to address applications that are identified by governments to be problematic, e.g., that potentially violate national law or raise sensitivities. GAC members can raise concerns about any application to the GAC. The GAC as a whole will consider concerns raised by GAC members, and agree on GAC advice to forward to the ICANN Board of Directors.” The issue with .SPA was included in:

- Beijing GAC Advice
 - <https://gacweb.icann.org/display/GACADV/2013-04-11-gTLDStrings>
- Durban GAC Advice
 - <https://gacweb.icann.org/display/GACADV/2013-07-18-gTLDStrings>
- Buenos Aires GAC Advice
 - <https://gacweb.icann.org/display/GACADV/2013-11-20-spa>
- Singapore GAC Advice
 - <https://gacweb.icann.org/display/GACADV/2014-03-27-spa>

Furthermore, the letters from the Deputy Prime Minister, Mr. Johan vande Lanotte on July 1, 2013 (<http://www.icann.org/en/news/correspondence/lanotte-to-chehade-crocker-01jul13-en.pdf>) and March 20, 2014 (<http://www.icann.org/en/news/correspondence/lanotte-to-chehade-crocker-20mar14-en.pdf>) both clearly advised that “The Belgian law of 26 June 2003 concerning abusive registration of domain names gives the town of Spa the right to appeal against an owner of a “.spa” domain name”, which matches with the AGB: 3.1 provision that an application “potentially violate national law or raise sensitivities.”

Therefore, given the clear provisions in the AGB, the specific indication of the relevant parties in the GAC Advice, the demonstrated validity and relevance of such GAC Advice according to the AGB, and the expressed purposes of the TLD from the applicant statements as it relates to the AGB on geographical names requiring government support (or non-objection), the appropriate path forward would be for ICANN to accept the GAC Advice, follow the AGB, and trigger the Geographic Names Extended Evaluation for the remaining applications for .SPA.

According to the AGB: 2.3.1 Geographic Names Extended Evaluation, “In the case of an application that has been identified as a geographic name... the applicant has additional time in the Extended Evaluation period to obtain and submit this documentation... (at least 90 calendar days from the date of the notice).”

This will ensure that the integrity of the new gTLD process is not compromised, and continue to be transparent, timely, predictable, non-discriminatory and in accordance with the expectations set forth in the AGB. This will also be equitable for all applicants involved as it sets the condition at the same base requirement of non-objection (not necessarily support) from the relevant government in full accordance with the definitions stipulated in the AGB.

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ASWPC has patiently followed the new gTLD process including the comprehensive GAC Advice process and is committed to continue following the new gTLD process according to reasonable interpretation of the AGB that is not only market-driven or free-for-all, but one that is non-discriminatory also for smaller legitimate applicants. Certain requirements to consider governments and the protection of public interest were carefully included in the AGB for valid reasons. The situation with “.SPA” is a good example of where the discretion provided by the AGB for ICANN to do the right thing can best be utilized by ICANN to serve the public interest rather than pure commercial interests.

ASWPC looks to ICANN to uphold the integrity of the new gTLD process, respect cultural heritage, serve the public interest, and follow the appropriate processes and requirements already in the AGB. ASWPC stands fully prepared to cooperate with ICANN and comply with the Geographic Names Extended Evaluation according to the AGB.

Sincerely,

William Ng
Chairman
Asia Spa and Wellness Promotion Council Limited (ASWPC)

Exhibit A: Comparison of .SPA and “Other city examples” As Contended by Donuts

In its response to the Durban GAC Advice

(<http://newgtlds.icann.org/sites/default/files/applicants/28aug13/gac-advice-response-1-1619-92115-en.pdf>), Foggy Sunset, LLC (Donuts) made the following argument:

Other city examples are not delayed

So is the case regarding numerous additional applications for various names that are generic dictionary terms, but also are names of cities. For example:

.TOURS (Tours, France)

.PINK (Pink, Oklahoma, US)

.ORANGE (Multiple cities in France, Australia, US)

Clearly none of these TLDs are targeted toward the respective cities mentioned, and as is the case with .SPA, the independent geographic evaluation panel did not require the approval of any of these localities in order for the applications to proceed. The gTLD program is intended to be transparent, timely, predictable, and non-discriminatory. Random delays of some applications that happen to be city names defeat these goals.

The argument is logically flawed because the comparisons are not equal. For “SPA”, the etymological origin of the word is the direct reason why the word “spa” means what it is now taken to “generically” mean: springs with curative properties. Therefore the use of the term “SPA” with such meaning clearly associates it with the city name, even if the use is not about the city and/or its citizens.

The same cannot be said for “TOURS”, “PINK” or “ORANGE”.

According to the Online Etymology Dictionary (<http://www.etymonline.com>):

“TOURS” (http://www.etymonline.com/index.php?term=tour&allowed_in_frame=0):

tour (n.)

c.1300, "a turn, a shift on duty," from Old French tor, tourn, tourn "a turn, trick, round, circuit, circumference," from torner, tourner "to turn" (see turn (v.)). Sense of "a continued ramble or excursion" is from 1640s. Tour de France as a bicycle race is recorded in English from 1916 (Tour de France Cycliste), distinguished from a motorcar race of the same name. The Grand Tour, a journey through France, Germany, Switzerland, and Italy formerly was the finishing touch in the education of a gentleman.

tour (v.)

1746, "make a tour, travel about," from tour (n.). Related: Toured; touring.

There is no indication of any etymological relationship between the English word “tour(s)” and Tours the city in central France.

Furthermore, applicant statements by Sugar Station, LLC (Donuts) within the application for the new gTLD “.tours” did not indicate that the applicant will use the TLD primarily for purposes associated with the city name. In fact, Donuts did not provide any specific indication of the purpose in #18a for “*the mission/purpose of your proposed gTLD*” except for stating in its application (<https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/570>) that: “This TLD is a generic term and its second level names will be attractive to a variety of Internet users.” (NOTE the difference of treatment by Donuts with “.SPA”.)

For “PINK”

(http://www.etymonline.com/index.php?term=pink&allowed_in_frame=0):

pink (n., adj.)

1570s, common name of Dianthus, a garden plant of various colors, of unknown origin. Its use for "pale rose color" first recorded 1733 (pink-coloured is recorded from 1680s), from one of the colors of the flowers. The plant name is perhaps from pink (v.) via notion of "perforated" petals, or from Dutch pink "small" (see pinkie), from the term pinck oogen "half-closed eyes," literally "small eyes," which was borrowed into English (1570s) and may have been used as a name for Dianthus, which sometimes has pale red flowers.

The flower meaning led (by 1590s) to a figurative use for "the flower" or finest example of anything (as in Mercutio's "Nay, I am the very pinck of curtesie," Rom. & Jul. II.iv.61). Political noun sense "person perceived as left of center but not entirely radical (i.e. red)" is attested by 1927, but the image dates to at least 1837. Pink slip "discharge notice" is first recorded 1915. To see pink elephants "hallucinate from alcoholism" first recorded 1913 in Jack London's "John Barleycorn."

pink (v.)

c.1200, pungde "pierce, stab," later (early 14c.) "make holes in; spur a horse," of uncertain origin; perhaps from a Romanic stem that also yielded French piquer, Spanish picar (see pike (n.2)). Or perhaps from Old English pyngan and directly from Latin pungere "to prick, pierce" (see pungent). Surviving mainly in pinking shears.

Similarly, there is no indication of any etymological relationship with Pink, the town in Pottawatomie County, Oklahoma, United States, which is part of the Oklahoma City.

Also, applicant statements by Afilias Limited within the application for the new gTLD “.pink” did not indicate that the applicant will use the TLD primarily for purposes associated with the city name. In fact, Afilias specifically indicated (<https://gtldresult.icann.org/application->

[result/applicationstatus/applicationdetails/1846](#)) in #18a for “*the mission/purpose of your proposed gTLD*” that: “.PINK proposes to create an Internet space in which businesses, organizations and individuals can create an Internet identity tied to the color and the concept of pink.”

“ORANGE”

(http://www.etymonline.com/index.php?term=orange&allowed_in_frame=0):

orange (n.)

c.1300, of the fruit, from Old French orange, orange (12c., Modern French orange), from Medieval Latin pomum de oronge, from Italian arancia, originally narancia (Venetian naranza), alteration of Arabic naranj, from Persian narang, from Sanskrit naranga-s "orange tree," of uncertain origin. Not used as a color word until 1540s.

Loss of initial n- probably due to confusion with definite article (as in une narange, una narancia), but perhaps influenced by French or "gold." The name of the town of Orange in France (see Orangemen) perhaps was deformed by the name of the fruit. Orange juice is attested from 1723.

The tree's original range probably was northern India. The Persian orange, grown widely in southern Europe after its introduction in Italy 11c., was bitter; sweet oranges were brought to Europe 15c. from India by Portuguese traders and quickly displaced the bitter variety, but only Modern Greek still seems to distinguish the bitter (nerantzi) from the sweet (portokali "Portuguese") orange. Portuguese, Spanish, Arab, and Dutch sailors planted citrus trees along trade routes to prevent scurvy. On his second voyage in 1493, Christopher Columbus brought the seeds of oranges, lemons and citrons to Haiti and the Caribbean. Introduced in Florida (along with lemons) in 1513 by Spanish explorer Juan Ponce de Leon. Introduced to Hawaii 1792.

For “ORANGE”, it is important to note that the name of the town of Orange in France was “*deformed by the name of the fruit*” (the name of the town was originally unrelated to that of the orange fruit, but was later conflated with it, i.e. they share no etymological origin) and not vice versa, as in the case of “Spa”. Therefore, again, the use of the word “orange” is not associated with the city name (whether it be the French cities or similarly in the US and Australia).

Also, applicant statements by Orange Brand Services Limited within the application for the new gTLD “.orange” did not indicate that the applicant will use the TLD primarily for purposes associated with the city name: Orange. In fact, Orange Brand Services Limited specifically indicated (<https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1660>) in #18a for “*the mission/purpose of your proposed gTLD*” that they intend to develop a: “.orange domain space that promote the identity and authenticity of its brand... Orange is a

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global telecommunications company, providing a range of mobile and broadband communication services.”

“SPA” (http://www.etymonline.com/index.php?term=spa&allowed_in_frame=0)

spa (n.)

*"medicinal or mineral spring," 1620s, from the name of the health resort in eastern Belgium, known since 14c., that features mineral springs believed to have curative properties. The place name is from Walloon *espa* "spring, fountain." As "commercial establishment offering health and beauty treatments," 1960.*

In contrast with the examples of “TOURS”, “PINK” and “ORANGE”, the etymological origin of the English word “spa” clearly links it with the city of Spa (known since 14th Century), which is a municipality of Belgium in the country's Walloon Region and Province of Liège.

Moreover, applicant statements by BOTH remaining applications for .SPA indicated within their respective application for the new gTLD that the applicant intends to use the TLD “*primarily for purposes associated with the city name*” (i.e. related to hydrotherapy and springs with curative properties):

ASWPC application (18a: <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/123>):

.spa is dedicated to the spa and wellness community

Donuts (Foggy Sunset, LLC) application (18a: <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/599>):

The .SPA TLD will be attractive to a very broad and diverse group of registrants. There are literally hundreds of different uses of the word SPA, broadly including day spas, dental spas, garden spas, medical spas, bath spas, hot tubs, soda fountains, etc., as well as a corporate identifier in certain jurisdictions.²

Unlike for “.tours” where Donuts made no specific indication on the purpose of the TLD, Donuts, from applicant statements within their application for “.spa”, clearly indicated that the applicant will use the TLD primarily for purposes associated with the city name, i.e. related to hydrotherapy and springs with curative properties: “day spas, dental spas, garden spas, medical spas, bath spas, hot tubs, soda fountains, etc.”.

Therefore, the applications for “.SPA” meets the requirements as set out in the AGB for city names requiring government support (or non-objection):

² Note that we understand from the GAC representative from Italy where the acronym “S.p.A.” is used to represent “Società per azioni”, which means a public limited company.

2.2.1.4.2 Geographic Names Requiring Government Support

The following types of applied-for strings are considered geographic names and must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:

...

2. An application for a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name.

City names present challenges because city names may also be generic terms or brand names, and in many cases city names are not unique. Unlike other types of geographic names, there are no established lists that can be used as objective references in the evaluation process. Thus, city names are not universally protected. However, the process does provide a means for cities and applicants to work together where desired. An application for a city name will be subject to the geographic names requirements (i.e., will require documentation of support or non-objection from the relevant governments or public authorities) if:

(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name; and

(b) The applied-for string is a city name as listed on official city documents.⁷

⁷*City governments with concerns about strings that are duplicates, nicknames or close renderings of a city name should not rely on the evaluation process as the primary means of protecting their interests in a string. Rather, a government may elect to file a formal objection to an application that is opposed by the relevant community, or may submit its own application for the string.*

...

For each application, the Geographic Names Panel will determine which governments are relevant based on the inputs of the applicant, governments, and its own research and analysis.

We note that AGB: 2.2.1.4.2 clearly expressed that “*City names present challenges because city names may also be generic terms or brand names*”, but that does not exempt them from requiring government support (or non-objection). Applications for TLD strings that matches a city name “*regardless of whether the application indicates it is for a geographic name*” (AGB: 2.2.1.4), are also subject to the requirements.

We also note that the city of Spa, as advised by AGB: 2.2.1.4.2 (Footnote 7), did not solely rely on ICANN’s “*evaluation process as the primary means of protecting their interests in a string*”, and therefore have participated in the GAC Advice process through the Belgian GAC representative according to AGB: 3.1 where it provides that: “*GAC members can raise concerns about any application to the GAC. The GAC as a whole will*

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consider concerns raised by GAC members, and agree on GAC advice to forward to the ICANN Board of Directors.”

This resulted in specific GAC Advices on the matter in the GAC Communiqués of Beijing, Durban, Buenos Aires and Singapore.

In addition, the Deputy Prime Minister of Belgium has also twice written to ICANN on the issue:

1. July 1, 2013 (<http://www.icann.org/en/news/correspondence/lanotte-to-chehade-crocker-01jul13-en.pdf>) and
2. March 20, 2014 (<http://www.icann.org/en/news/correspondence/lanotte-to-chehade-crocker-20mar14-en.pdf>)

The letters clearly explain the validity of the GAC Advice according to AGB: 3.1: *“The process for GAC Advice on New gTLDs is intended to address applications that are identified by governments to be problematic, e.g., that potentially violate national law or raise sensitivities.”*

Finally, we also note according to the AGB (2.2.1.4.2 Geographic Names Requiring Government Support), the Geographic Names Panel (GNP) must determine which governments are relevant based on the inputs of governments. The Singapore GAC Advice provides that input from governments.

Therefore, the only appropriate path forward would be for both remaining applications for .SPA to enter into Geographic Names Extended Evaluation according to AGB: 2.3.1, *“In the case of an application that has been identified as a geographic name... the applicant has additional time in the Extended Evaluation period to obtain and submit this documentation... (at least 90 calendar days from the date of the notice).”*

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The Governmental Advisory Committee (GAC) has issued advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV of the [GAC Singapore Communiqué](#) for the full list of advice on individual strings, categories of strings, and strings that may warrant further GAC consideration.

Respondents should use this form to ensure their responses are appropriately tracked and routed to the ICANN Board for their consideration. Complete this form and submit it as an attachment to the ICANN Customer Service Center via your [CSC Portal](#) with the Subject, “[Application ID] Response to Singapore GAC Advice” (for example “1-111-11111 Response to Singapore GAC Advice”). All GAC Advice Responses to the GAC Singapore Communiqué must be received no later than 23:59:59 UTC on 02-May-2014.

Respondent:

Applicant Name	June Station, LLC
Application ID	1-1515-14214
Applied for TLD (string)	.WINE

Response:

Thank you for the opportunity to comment on the Governmental Advisory Committee’s Communiqué – Singapore, dated 27 March 2014.¹

Donuts addresses the GAC’s advice with regard to three of its applied-for gTLDs: .SPA, .VIN and .WINE.

.SPA

Donuts is pleased to read that the GAC has finalized its consideration of this string, which means it has no further intention for action on this TLD. As such, the GAC has not offered consensus advice to the ICANN Board to block the progress of the .SPA applications. Therefore, as required by the Applicant Guidebook (AGB), the .SPA applications should proceed with no delay. As we have communicated to the Board, while we respect the concerns raised by the City of Spa and the Belgian Government, we are confident that we have thoroughly addressed those issues, and that Donuts’ .SPA application is in full compliance with both the letter and the spirit of the rules set forth for the new gTLD Program.

Specifically, the GAC, in its advice, said:

Regarding the applications for .spa, the GAC understands that the relevant parties in these discussions are the city of Spa and the applicants. The GAC has finalised its consideration of the .spa string and welcomes the report that an agreement has been reached between the city of Spa and one of the applicants.

This follows the ICANN Board’s own letter of February to the GAC, in which chair Steve Crocker wrote:

The[.SPA] application was posted more than 18 months ago and received no early warnings or objections. As there is no provision in the Applicant Guidebook for an indefinite hold, the NGPC

¹ Amended version posted on 16 April 2014

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seeks an understanding as to the anticipated timeline leading to the issuance of final GAC advice on these applications.

Donuts therefore looks forward to the expeditious processing of its and the competing applications for the .SPA TLD.

Donuts notes the GAC's "welcoming" of an agreement between one applicant and the City of Spa. As we noted in our letter to the Board of 18 March 2014:

...the Memorandum of Understanding reached between the City of Spa and the other applicant for .SPA cannot, and should not, be given any weight in the determination of which registry wins the right to operate the domain. Nothing in the Guidebook permits outside stakeholders to pick winners and losers in the application process, and to allow that to occur here, where the two applicants are not at all similarly situated, would set an extremely negative precedent. The multipart process in place for resolving contention sets is the result of years of development through the multistakeholder process and should not be subverted based on the request of a single stakeholder.

"Spa" is a widely use generic term that, according to the AGB and the independent geographic name evaluators, was not set forth as a geographic term but rather a generic one. As ICANN already determined, .SPA does not meet the criteria set forth for geographic names that require city endorsement (according to section 2.2.1.4.2 of the AGB).

Donuts has made a good faith effort to engage with the City of Spa to provide unique protections tailored to the concerns of city officials and believes the city's interests are well protected by the AGB requirements, the additional protections Donuts committed to for all of its TLDs, and the further safeguards Donuts voluntarily would provide for this TLD should it become the registry operator.

Therefore, nothing in the AGB (Donuts' contract with ICANN) empowers the ICANN Board to select a "winner" in the case of competing applications based on the concerns of one government. Donuts expects the applications to move forward swiftly to the CPE process and to contention resolution under the terms of the AGB.

.WINE and .VIN

The disposition of applications for .WINE and .VIN have been at issue now for some time.

For recent historical context, on 9 September 2013, GAC Chair Heather Dryden informed the ICANN Board that **"the GAC advises the ICANN Board** that the GAC has finalized its consideration of the strings .wine and .vin and **further advises** that the applications should proceed through the normal evaluation process."²

On 22 March 2014, based on the letter from GAC Chair Dryden, the lack of consensus GAC advice to the contrary, as well as an independent legal analysis of the .WINE and .VIN applications, the NGPC directed the ICANN staff to process the .WINE and .VIN applications through the normal application procedure.³

The legal expert—commissioned by ICANN—found that "[a]s regards the applications for the assignment of the new gTLDs '.vin' and '.wine' filed by the Donuts company, there is no rule of the

² <https://www.icann.org/en/news/correspondence/dryden-to-crocker-09sep13-en>

³ Resolved (2014.03.22.NG01), the NGPC accepts the GAC advice identified in the GAC Register of Advice as 2013-09-09-wine and vin, and directs the President and CEO, or his designee, that the applications for .WINE and .VIN should proceed through the normal evaluation process:

<http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-22mar14-en.htm#1.a>

law of geographical indications, nor any general principle which obliges ICANN to reject the applications or accept the applications under certain specific conditions."

The GAC, in its Singapore advice replied, raising only procedural concerns, saying⁴:

The GAC notes the NGPC Resolution 2014.03.22.NG01 concerning .wine and .vin as well as its rationale. In the final deliberation of the Board there appears to be at least one process violation and procedural error, including in relation to ByLaws Article XI--A, Section 1 subsection 6 which states:

"6. Opportunity to Comment. The Governmental Advisory Committee, in addition to the Supporting Organizations and other Advisory Committees, shall have an opportunity to comment upon any external advice received prior to any decision by the Board."

The GAC therefore advises:

1. That the Board reconsider the matter before delegating these strings.

The GAC needs to consider the above elements more fully. In the meantime concerned GAC members believe the applicants and interested parties should be encouraged to continue their negotiations with a view to reach an agreement on the matter.

On 4 April 2014, the NGPC found that there was no process violation, but directed the ICANN staff to wait 60 days before processing the .WINE and .VIN applications and encouraged the "relevant impacted parties" to try to negotiate a resolution.⁵

Therefore, according to the Board's rationale and the independent legal expert's commissioned opinion, there is no reason to further toll these applications.

As encouraged by the NGPC, Donuts will continue to negotiate in good faith with certain wine growers that have raised concerns about this matter. We are incented to try to reach some accommodation to this segment of our potential customer base for the overall success of the registry. We would be in a position to do this after the 60-day period and after we sign an agreement to operate one or both of the registries. Indeed, once Donuts becomes the registry operator for either or both of these gTLDs, we will continue to discuss important commercial relationships with our customers including, but not limited to wine growers.

While we respect the concerns raised by those who argue that .WINE and .VIN pose threats to certain traditional winemaking geographic communities, the protections in place for these names will prove

⁴https://gacweb.icann.org/download/attachments/27132037/GAC_Amended_Communique_Singapore_20140327%5B1%5D.pdf?version=1&modificationDate=1397656205000&api=v2

⁵ Resolved (2014.04.04.NG02), upon having considered the matter set forth in the GAC Singapore Communiqué suggesting that there may have been a process violation or procedural error, the NGPC concludes that there has been no process violation or procedural error under the Bylaws.

Resolved (2014.04.04.NG03), the NGPC directs the President and CEO, or his designee, to not commence the contracting process for the applications for .WINE and .VIN for 60 days from the date of publication of these resolutions in order to provide additional time for the relevant impacted parties to negotiate, which they are encouraged to do.

See: <https://www.icann.org/en/groups/board/documents/resolutions-new-gtld-04apr14-en.htm>

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more than adequate to protect the legitimate interests of all users, regardless of their geographic location. Notwithstanding, we also have proposed certain additional processes in light of the concerns raised. Regardless of whether these additional processes would be sufficient in the eyes of the critics, there are no grounds for further delay of the processing of these applications. The AGB—our contract with ICANN—is clear on this point.

As recognized by the NGPC, ICANN is likely not the appropriate venue to address complex trade negotiations on politically sensitive issues, such as the rights of Geographic Indicators.

As Andrew Maurer so stated in his 17 December 2013 letter to ICANN Chairman Steve Crocker:

“The protective framework governing GIs has been the result of careful thought and mutual agreement from many of our governments over a number of years. It would be of serious concern if positions from the GAC effectively redesigned the concept and protections of GIs as they exist in other fora. We should not be negotiating extensions to the TRIPS agreement in the GAC, especially while the mechanisms for GI protection and infringement are more appropriately the subject of negotiations among experts in the World Intellectual Property Organization and the World Trade Organization.”

Therefore, we urge ICANN to continue processing the .WINE and .VIN TLDs under the terms set forth in the Applicant Guidebook regardless of the outcome of any commercial negotiations between the applicants and certain wine growers. We believe that if ICANN processes the applications, there is a much greater likelihood of an agreement than if it delays processing further.

Again, thank you for the opportunity to comment on GAC advice.

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The Governmental Advisory Committee (GAC) has issued advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV of the [GAC Singapore Communiqué](#) for the full list of advice on individual strings, categories of strings, and strings that may warrant further GAC consideration.

Respondents should use this form to ensure their responses are appropriately tracked and routed to the ICANN Board for their consideration. Complete this form and submit it as an attachment to the ICANN Customer Service Center via your [CSC Portal](#) with the Subject, “[Application ID] Response to Singapore GAC Advice” (for example “1-111-11111 Response to Singapore GAC Advice”). All GAC Advice Responses to the GAC Singapore Communiqué must be received no later than 23:59:59 UTC on 02-May-2014.

Respondent:

Applicant Name	Holly Shadow, LLC
Application ID	1-1538-23177
Applied for TLD (string)	.VIN

Response:

Thank you for the opportunity to comment on the Governmental Advisory Committee’s Communiqué – Singapore, dated 27 March 2014.¹

Donuts addresses the GAC’s advice with regard to three of its applied-for gTLDs: .SPA, .VIN and .WINE.

.SPA

Donuts is pleased to read that the GAC has finalized its consideration of this string, which means it has no further intention for action on this TLD. As such, the GAC has not offered consensus advice to the ICANN Board to block the progress of the .SPA applications. Therefore, as required by the Applicant Guidebook (AGB), the .SPA applications should proceed with no delay. As we have communicated to the Board, while we respect the concerns raised by the City of Spa and the Belgian Government, we are confident that we have thoroughly addressed those issues, and that Donuts’ .SPA application is in full compliance with both the letter and the spirit of the rules set forth for the new gTLD Program.

Specifically, the GAC, in its advice, said:

Regarding the applications for .spa, the GAC understands that the relevant parties in these discussions are the city of Spa and the applicants. The GAC has finalised its consideration of the .spa string and welcomes the report that an agreement has been reached between the city of Spa and one of the applicants.

This follows the ICANN Board’s own letter of February to the GAC, in which chair Steve Crocker wrote:

The[.SPA] application was posted more than 18 months ago and received no early warnings or objections. As there is no provision in the Applicant Guidebook for an indefinite hold, the NGPC

¹ Amended version posted on 16 April 2014

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seeks an understanding as to the anticipated timeline leading to the issuance of final GAC advice on these applications.

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"Spa" is a widely use generic term that, according to the AGB and the independent geographic name evaluators, was not set forth as a geographic term but rather a generic one. As ICANN already determined, .SPA does not meet the criteria set forth for geographic names that require city endorsement (according to section 2.2.1.4.2 of the AGB).

Donuts has made a good faith effort to engage with the City of Spa to provide unique protections tailored to the concerns of city officials and believes the city's interests are well protected by the AGB requirements, the additional protections Donuts committed to for all of its TLDs, and the further safeguards Donuts voluntarily would provide for this TLD should it become the registry operator.

Therefore, nothing in the AGB (Donuts' contract with ICANN) empowers the ICANN Board to select a "winner" in the case of competing applications based on the concerns of one government. Donuts expects the applications to move forward swiftly to the CPE process and to contention resolution under the terms of the AGB.

.WINE and .VIN

The disposition of applications for .WINE and .VIN have been at issue now for some time.

For recent historical context, on 9 September 2013, GAC Chair Heather Dryden informed the ICANN Board that **"the GAC advises the ICANN Board** that the GAC has finalized its consideration of the strings .wine and .vin and **further advises** that the applications should proceed through the normal evaluation process."²

On 22 March 2014, based on the letter from GAC Chair Dryden, the lack of consensus GAC advice to the contrary, as well as an independent legal analysis of the .WINE and .VIN applications, the NGPC directed the ICANN staff to process the .WINE and .VIN applications through the normal application procedure.³

The legal expert—commissioned by ICANN—found that "[a]s regards the applications for the assignment of the new gTLDs '.vin' and '.wine' filed by the Donuts company, there is no rule of the

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The GAC, in its Singapore advice replied, raising only procedural concerns, saying⁴:

The GAC notes the NGPC Resolution 2014.03.22.NG01 concerning .wine and .vin as well as its rationale. In the final deliberation of the Board there appears to be at least one process violation and procedural error, including in relation to ByLaws Article XI--A, Section 1 subsection 6 which states:

"6. Opportunity to Comment. The Governmental Advisory Committee, in addition to the Supporting Organizations and other Advisory Committees, shall have an opportunity to comment upon any external advice received prior to any decision by the Board."

The GAC therefore advises:

1. That the Board reconsider the matter before delegating these strings.

The GAC needs to consider the above elements more fully. In the meantime concerned GAC members believe the applicants and interested parties should be encouraged to continue their negotiations with a view to reach an agreement on the matter.

On 4 April 2014, the NGPC found that there was no process violation, but directed the ICANN staff to wait 60 days before processing the .WINE and .VIN applications and encouraged the "relevant impacted parties" to try to negotiate a resolution.⁵

Therefore, according to the Board's rationale and the independent legal expert's commissioned opinion, there is no reason to further toll these applications.

As encouraged by the NGPC, Donuts will continue to negotiate in good faith with certain wine growers that have raised concerns about this matter. We are incented to try to reach some accommodation to this segment of our potential customer base for the overall success of the registry. We would be in a position to do this after the 60-day period and after we sign an agreement to operate one or both of the registries. Indeed, once Donuts becomes the registry operator for either or both of these gTLDs, we will continue to discuss important commercial relationships with our customers including, but not limited to wine growers.

While we respect the concerns raised by those who argue that .WINE and .VIN pose threats to certain traditional winemaking geographic communities, the protections in place for these names will prove

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more than adequate to protect the legitimate interests of all users, regardless of their geographic location. Notwithstanding, we also have proposed certain additional processes in light of the concerns raised. Regardless of whether these additional processes would be sufficient in the eyes of the critics, there are no grounds for further delay of the processing of these applications. The AGB—our contract with ICANN—is clear on this point.

As recognized by the NGPC, ICANN is likely not the appropriate venue to address complex trade negotiations on politically sensitive issues, such as the rights of Geographic Indicators.

As Andrew Maurer so stated in his 17 December 2013 letter to ICANN Chairman Steve Crocker:

“The protective framework governing GIs has been the result of careful thought and mutual agreement from many of our governments over a number of years. It would be of serious concern if positions from the GAC effectively redesigned the concept and protections of GIs as they exist in other fora. We should not be negotiating extensions to the TRIPS agreement in the GAC, especially while the mechanisms for GI protection and infringement are more appropriately the subject of negotiations among experts in the World Intellectual Property Organization and the World Trade Organization.”

Therefore, we urge ICANN to continue processing the .WINE and .VIN TLDs under the terms set forth in the Applicant Guidebook regardless of the outcome of any commercial negotiations between the applicants and certain wine growers. We believe that if ICANN processes the applications, there is a much greater likelihood of an agreement than if it delays processing further.

Again, thank you for the opportunity to comment on GAC advice.

GAC Advice Response Form for Applicants



The Governmental Advisory Committee (GAC) has issued advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV of the [GAC Singapore Communiqué](#) for the full list of advice on individual strings, categories of strings, and strings that may warrant further GAC consideration.

Respondents should use this form to ensure their responses are appropriately tracked and routed to the ICANN Board for their consideration. Complete this form and submit it as an attachment to the ICANN Customer Service Center via your [CSC Portal](#) with the Subject, “[Application ID] Response to Singapore GAC Advice” (for example “1-111-11111 Response to Singapore GAC Advice”). All GAC Advice Responses to the GAC Singapore Communiqué must be received no later than 23:59:59 UTC on 02-May-2014.

Respondent:

Applicant Name	Foggy Sunset, LLC
Application ID	1-1619-92115
Applied for TLD (string)	.SPA

Response:

Thank you for the opportunity to comment on the Governmental Advisory Committee’s Communiqué – Singapore, dated 27 March 2014.¹

Donuts addresses the GAC’s advice with regard to three of its applied-for gTLDs: .SPA, .VIN and .WINE.

.SPA

Donuts is pleased to read that the GAC has finalized its consideration of this string, which means it has no further intention for action on this TLD. As such, the GAC has not offered consensus advice to the ICANN Board to block the progress of the .SPA applications. Therefore, as required by the Applicant Guidebook (AGB), the .SPA applications should proceed with no delay. As we have communicated to the Board, while we respect the concerns raised by the City of Spa and the Belgian Government, we are confident that we have thoroughly addressed those issues, and that Donuts’ .SPA application is in full compliance with both the letter and the spirit of the rules set forth for the new gTLD Program.

Specifically, the GAC, in its advice, said:

Regarding the applications for .spa, the GAC understands that the relevant parties in these discussions are the city of Spa and the applicants. The GAC has finalised its consideration of the .spa string and welcomes the report that an agreement has been reached between the city of Spa and one of the applicants.

This follows the ICANN Board’s own letter of February to the GAC, in which chair Steve Crocker wrote:

The[.SPA] application was posted more than 18 months ago and received no early warnings or objections. As there is no provision in the Applicant Guidebook for an indefinite hold, the NGPC

¹ Amended version posted on 16 April 2014

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**Response to the Governmental Advisory Committee Advice
Concerning .RAM Included in the Singapore Communiqué**

Respondent:

Application ID:	1-2055-15880
Entity/Applicant Name:	Chrysler Group LLC
String:	RAM

Response:

Chrysler has applied to register .RAM as a restricted, exclusively-controlled generic Top Level Domain (gTLD). The Government of India has expressed religious concerns about Chrysler’s .RAM gTLD application because “Ram” also represents the name of an important deity worshipped in the Hindu religion. Chrysler shares the Government of India’s desire to ensure that the .RAM gTLD will not be abused by registrants in a way that would be offensive to adherents of the Hindu religion, or any religion for that matter.

Because Chrysler will administer .RAM as a restricted exclusively-controlled gTLD for a commercial, non-religious purpose, the company believes that there is little risk that religious or social issues will arise from Chrysler’s operation of the gTLD. Nevertheless, because it is Chrysler’s practice to be attentive to, and respectful of, religious and cultural sensitivities, Chrysler is committed to making a concerted, good faith effort to address the Government’s stated concerns.

Chrysler remains hopeful that an accommodation can be reached that addresses the Government’s concerns, yet allows Chrysler to register and operate .RAM as a restricted, exclusively-controlled gTLD.

Chrysler representatives are willing to meet with the Government of India to discuss the resolution of this matter at any time that is convenient for the Government.

Please see Chrysler’s August 23, 2013 response to the Governmental Advisory Committee Durban communiqué for a more detailed response to the concerns raised by the Government of India about Chrysler’s .RAM gTLD application.